

From: [Tim Hadden](#)
To: [Snowden, Kevin](#)
Subject: Request for Information
Date: Thursday, May 7, 2020 11:23:35 AM
Attachments: [ATT00001.txt](#)

Dear Kevin,

On May 5, 2020, DCW received a Notice of Noncompliance/Request for Information based on the RCRA Inspection of our facility on February 17, 2020. We are trying to work on the compliance points and have the goal of getting into the state of compliance at the earliest moment.

COVID-19 has interfered with our response significantly. My Plant Engineer, who is our most knowledgeable RCRA person, has not been able to come to work, (b) (6) (due to COVID-19) for some time now. We have secured a contractor to assist DCW with our RCRA contingency plan and subsequent training, but their visit to our facility has also been delayed due to COVID-19. Of course, we all want the COVID-19 issue to resolve at the earliest moment, but we are not there yet.

Please grant DCW an extension of our response to the Notice of Noncompliance/Request for Information to July 3, 2020. If it is possible for us to respond to the Notice prior to that date, please be assured that we will do just that.

I hope this message finds you well.


Timothy J. Hadden
Plant Manager-Oelwein Facility
DCW Casing LLC
1001 3rd Street NW
Oelwein, Iowa 50662
Main (319) 283-1963 Ext. 101
Mobile (712) 251-0371



From: [Lukas, Jennifer \(ENRD\)](#)
To: [Cantello, Nicole](#); [Maraldo, Dean](#); [Nanda, Sushila](#); [Middleton, Keith](#); [TENNIS, DAVE](#)
Cc: [McGregor, Alison \(ENRD\)](#); [Beth Admire](#)
Subject: FW: HSD Force Majeure Letter - 30 day delay for upcoming submissions
Date: Monday, April 20, 2020 12:34:48 PM
Attachments: [2020-04-17 HSD Force Majeure COVID Letter.PDF](#)

EPA & IDEM,

I responded for DOJ on HSD's force majeure request letter. Please see attached and below.
(b) (6), Attorney Client Privilege, Deliberative



Jennifer

From: Lukas, Jennifer (ENRD)
Sent: Monday, April 20, 2020 12:24 PM
To: Kelln, H. Max <h.max.kelln@faegredrinker.com>
Cc: r5weca@epa.com; ADMIRE, BETH (BADMIRE@idem.IN.gov) <BADMIRE@idem.IN.gov>; Joe Allegretti (joe@joeallegretti.com) <joe@joeallegretti.com>; 'Mike Hickey' <mhickey58@gmail.com>; McGregor, Alison (ENRD) <AMcGregor@ENRD.USDOJ.GOV>; Maraldo.Dean@epa.gov
Subject: RE: HSD Force Majeure Letter - 30 day delay for upcoming submissions

Hi Max,

This email acknowledges DOJ's receipt of HSD's Friday, April 17, 2020, Force Majeure Letter. Until further notice (via email from me or someone else at DOJ), DOJ will accept receipt via my email address instead of using US mail as is typically required under the 2017 CD.

Beth and EPA and DOJ will review HSD's letter and get back to you as soon as possible about whether HSD's request can be handled outside of the CD's force majeure procedures.

I hope you and your family and the FB team are safe and well.

--Jennifer

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From: Kelln, H. Max <h.max.kelln@faegredrinker.com>

Sent: Friday, April 17, 2020 4:49 PM

To: Lukas, Jennifer (ENRD) <JLukas@ENRD.USDOJ.GOV>

Cc: r5weca@epa.com; ADMIRE, BETH (BADMIRE@idem.IN.gov) <BADMIRE@idem.IN.gov>; Joe Allegretti (joe@joeallegretti.com) <joe@joeallegretti.com>; 'Mike Hickey' <mhickey58@gmail.com>; McGregor, Alison (ENRD) <AMcGregor@ENRD.USDOJ.GOV>; Maraldo.Dean@epa.gov

Subject: HSD Force Majeure Letter - 30 day delay for upcoming submissions

Jennifer –

Please find attached a Force Majeure letter on behalf of HSD notifying the parties of a 30-day anticipated delay in delivering the upcoming quarterly report and post-construction monitoring report for disinfection. This is being submitted in response to EPA's recent guidance that suggests such notifications be pursuant to a consent decree's force majeure provision. However, please let me know if you think this type of notice should be handled differently given its limited impact.

This letter serves as HSD's initial and follow-up notice under the consent decree. Given COVID-19, please let me know if USDOJ accepts this e-mail in lieu of U.S. Mail submission under the consent decree.

Please don't hesitate to reach me by cell if you would like to discuss or have any questions.

Thanks,

H. Max Kelln

Partner

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Indianapolis, Indiana 46204, USA

Welcome to **Faegre Drinker Biddle & Reath LLP (Faegre Drinker)** - a new firm comprising the former Faegre Baker Daniels and Drinker Biddle & Reath. Our email addresses have changed with mine noted in the signature block. All phone and fax numbers remain the same. As a top 50 firm that draws on shared values and cultures, our new firm is *designed for clients*.

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March 24, 2020

The Honorable Andrew Wheeler
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave NW
Washington, DC 20460

Re: Request for emergency extension of Step 1 sell-through due to COVID-19 crisis

The Hearth, Patio & Barbecue Association (HPBA) writes to you today requesting emergency relief for an industry that is in dire straights during these uncertain times. EPA made the decision not to grant any sell-through relief for any appliances regulated by the Standards of Performance for New Residential Wood Heaters, New Residential Hydronic Heaters and Forced-Air Furnaces. (RIN 2060-AU00) HPBA disagrees with the assertion in the Final Rule that “statements from manufacturers and retailers asserting economic harm from stranded inventory if a retail sell-through was not allowed ... were not supported by contextual data.” Even though data was provided prior to the February 12, 2019 close of the comment period, it was difficult for industry to accurately estimate the impacts of the May 15, 2020 deadline at that time – 15 months and a more than a full selling season prior to the prohibition on sale of Step 1 appliances.

Retailers of wood and pellet stoves and other wood heating products have been hard at work over the past few years trying to sell all remaining products that do not meet the Step 2 requirements. During a normal year, retailers would use the early spring timeframe to sell those Step 1 stoves that they could not sell during the heating season. With the COVID-19 outbreak, everything has changed.

Business has come to a complete standstill for small retailers across the United States. A growing number of states have ordered or advised any “non-essential” businesses to close their doors. Any hope of selling those remaining Step 1 stoves has been crushed under the weight of public efforts to stem the spread of COVID-19. February through April can be a busy time for retailers, many of whom offer steep discounts (particularly this year), as price-conscious consumers look for deals at the end of the season.

Even in states where dealers can remain open, the impacts of closures, public health and safety warnings, and a terrified public have had devastating consequences for hearth retailers. Not only have sales come to a complete standstill, but some products that have already been sold have been returned or sales cancelled because customers don’t want installers in their home during quarantine, or installers are unable to get to a home because of a community lockdown.

HPBA surveyed our retailer and distributor members. Within 72 hours, we received responses from 183 retailers (employing more than 500 people), identifying almost \$4 million in product will be stranded with the denial of any sell-through beyond May 15, 2020. In addition, some of our members supply major home center chains, and report that over \$10 million worth of product will not sell in time and must be repurchased. This may even call into question the continued existence of these small manufacturers. It is worth noting that these manufacturing companies are in rural areas. Compared to the relief packages being considered by Congress, these figures may not appear to be much, but for small businesses in mostly rural areas, the loss of jobs will be a significant shock to the local economies.

We ask for an extension of the retail sell-by date for Step 1 product to December 31, 2020 to give retailers time to sell their soon-to-be stranded products. Without this relief, especially in combination with impacts all small businesses are facing at this time due to COVID-19, numerous stores will close permanently.

Following this letter is feedback we received from small retailers and distributors in just a few days last week.

Thank you for your consideration,

A handwritten signature in black ink that reads "Jack W. Goldman". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

Jack Goldman
President & CEO
Hearth, Patio & Barbecue Association

What plans or sales have been disrupted and what is happening in communities?

Below is the feedback we received from retailers and distributors, organized by state. We have removed any information that could identify individual businesses as many are fearful of being targeted for future enforcement action.

Alabama

- “Our showroom has been completely empty since Thursday March 12, 2020. Our outside sales/ inspections are not having any immediate sales due to the Corona Virus outbreak as everyone has decided to wait and see what is going to happen with their jobs and the stock market.”

Alaska

- “The vast majority of our sells takes place in 4 months: Aug, Sept, Oct, Nov. We survive on repairs and chimney sweeps most of the year. As of Jan 1st till today, March 19th, we've sold 2 stoves. The installation cannot take place till May. We've ran full page advertising sale on stoves and deals on spring installation. However it is difficult to sells stoves when we cannot install them for months due to Alaska's harsh weather condition.”

Arkansas

- “Even with social media posts, clearance signage, and use of online sales sites, now that COVID-19 represents a very real potential to many, our showroom has gone from several people a day to several a week. A majority of all sales in the last week and a half have been people getting their last few bags of pellets for the season. At a time where people are worried school and business closing, or about stores being able to stock commodities; our ability to sell through our remaining Phase I stoves has dwindled to almost nothing. This is a small, family owned business. Loss of revenue from COVID-19 coupled with the loss of capital by us scraping our remaining stoves will be financially devastating to our business.

I am the lone salesman for this store. Up until the last year or so, we have used family members to help with sales during the off season. As a husband and father of three, I have a family that is depending on me for this job. The current climate certainly lends itself to the real possibility of me losing my job, and my ability to take care of my family. I imagine many others in the industry have similar stories.”

California

- “We have closed the store to customers but remain inside to answer phones and receive deliveries. 2 people are working from home. Our installers are limiting their installations for now. Anticipate sales will be down at least 30% or more.”
- “We are one of the oldest hearth dealers in California, established in 1960. The COVID-19 virus has certainly affected our foot traffic at our retail location. With only 6 employees, we try to take of any “early buy” purchasing options we can; the current crisis, coupled with the

Northern California fires over the last few years, has left us with an overstock of wood-burning products. People aren't out currently, and the fires created a general sensitivity to wood-fired appliances. We normally sell anywhere from 20-30 wood-burning appliances annually, and another 40+ pellet appliances. 2020 has not followed any trend I've seen in the 30+ years I've been in the trade.

It is my belief that many small retailers, like us, will suffer at the end of this. Manufacturers consider those units bought and paid for. They will be our 'boat anchors' come May."

- "Foot traffic is way down due to the hysteria surrounding COVID-19 which makes it difficult to sell through the step one units."
- "The impact of coronavirus will impact the hearth industry significantly. The risk of 7 grams of particulate versus 2 grams per hour is minuscule compared to the economic impact. Please consider and vote showing mercy."
- "We were anticipating having a large sale in April, but I am unsure if we will be able to. We may have to close our doors, because my office employees are getting concerned about coming into work. We are taking as many precautions as we can, but if the virus progresses we could be left with a lot of step 1 products."
- "I cut staff to 3."
- "Just showing my concerns with the deadline for sell through on the non 2020 compliant stoves. We employ about 53 employees. We have been in business for over 50 years. It seems that having a cut and dried time frame for selling out of a non-compliant stove is a little over the top. Now with the COVID-19 closures going on and cancelling of events I am not sure how some businesses will survive let alone trying to sell out of a non-compliant stoves (without little to no profit at this point with the deadline coming up). We rely on two big events with lots of exposure to show and sell our product each year and they have both been canceled. A Home Show and a City wide event called Cool April Nights. Our business is very much influenced by weather and we had a record of 0" of rain for February and 80 degree temps, which has not helped in selling heating products. With all of that said please push for an extension on the non-compliant deadline."

Colorado

- "All plans and sales have been disrupted. Down 60%"
- "Prior customer interest has been put on hold due to financial uncertainty"

Connecticut

- "Coronavirus has stopped our floor traffic to sell the last remaining stoves in stock."
- "Winter Savings Sale – lack of traffic, not able to get people into our showrooms based on the Coronavirus."

- “Both the number of customer visits and purchasing have evaporated because the shoppers have been refocused on basics like toilet paper and being told they should shelter in place or limit shopping and gathering activities. Further, the economic impact to furloughed employees diminishes their spending and we now have the largest employers, the casinos, shuttered. We have instructed our advertising media to cut our ad spend in half as a result. The virus has also crippled world markets including oil prices in an added wound to the prospects of sales.”
- “Now, more than ever, with the coronavirus effecting all of our daily wellbeing this EPA change out has us on the brink of shut down. We have 17 units left to move out. The price markdowns are drastic. But the city is a ghost town as no one ventures out of their home. Hard to make sales when we are told to stay home. Businesses are struggling and some won't make it. People will lose their jobs and many already have. Many are sick, will get sick, or worse. And right now, many are feeling isolated. The EPA should step in line with other government agencies in the attempt of trying to help in these difficult times, not create more hardships. And we would gladly trade all 17 wood stoves for 17 respirators and give them to people who really need help. Stay healthy. Be safe.”

Delaware

- “Due to Governor mandates in our state we have canceled our large end of season event, and are experiencing much lower than normal floor traffic.”

Georgia

- “We have already discounted the remaining product by 50% and posted for sale/promotion on all of our electronic media venues. We have signage indicating clearance/moving sale outside the store and have email-blasted our entire client list. With the current state of affairs our store traffic has dropped to almost zero.”
- “We have had our store traffic drop by 95% in the last week. Our sales are off the same amount on a week to week basis and it does not look good to improve any time soon. I am not sure what to do at this point but to wait it out. It does not look good.” (Georgia and North Carolina locations)

Illinois

- “We were in the process of a close out sale that we were advertising in the local magazines, papers & electronic media. We have 4 full time employees that are being affected by the current shut down. At present we have less than 1 customer per day coming into our stores where we would normally have a least a couple dozen.”
- “Showroom traffic is very minimal due to coronavirus state mandated rules. Cannot sell product if no one can see to purchase. In home service is limited to emergency only to minimize exposure to our service team, so no installations can happen. Homeowner addition purchases are being cancelled due to uncertainty of income.”

- “All upcoming weekend sales events officially cancelled through at least end of April - Local building economy just dropped off a cliff - We are confident that without actually paying people to take these stoves off of our hands, there is no way in this world we will be rid of them in time.”
- “Covid 19 Disrupted Commercial traffic to our store, which will make selling stage 1 inventory harder by deadline.”
- “Our advertising on radio, TV, and newspaper has been suspended; on-line advertising continues, although it now focuses more on items for delivery/pick-up rather than installed products.”
- “COVID-19 has really made our customers uncertain about spending money right now.”
- “All office, installation, and support staff have been reduced to 24 hour work weeks in an attempt to give everyone enough income to make ends meet without using earned PTO time. Retail floor traffic and sales have dropped to almost nothing and installations are difficult to get scheduled with the concerns.” (Illinois and Wisconsin locations)
- “We have cut our hours in half as people have called and cancelled appointments. We are putting 2 of the full time employees on Unemployment.”

Indiana

- “We are a one store business that has been open for over 50 years. We have scaled back our operation and we will probably close for at least two weeks because of the coronavirus.”
- “We have had to shut down completely in the last two weeks because we have had 6 cases of the Coronavirus in our area.”

Iowa

- “All these Step 1 stoves/inserts are reduced at least 25% below what we paid for them. I have only been able to sell one in the last 8 weeks. I have used radio advertising and social media boosted to a 50 miles radius to sell these items. The coronavirus is causing panic in the marketplace and no one is walking through our doors. We are hoping social media will help but right now people are holding on to their money for necessities only. Unless we are allowed to sell through longer, we don't know what to do with the inventory that we have. Our history is alternative fuel and we have slowly moved more into the gas and electric market since LP gas has remained low. We have continued to follow EPA guidelines and change our wood/pellet inventory accordingly.

We are in a rural area of Iowa where many people still want to burn wood or pellets so offering gas and electric only puts a strain on our business. To maintain our business here wood stoves are a must with pellet stoves a secondary option for those customers. We need to be able to sell our old inventory so we can get 2020 certified stoves and insert. The pandemic is adding factor that will surely make it difficult for us to survive.”

- “We are currently running advertisements with discounted pricing on our 2 remaining stoves.”
- “I have zero foot traffic and with the markets in freefall and MANY local businesses closed and employees not working it will be quite a feat to sell my remaining product.”

Kentucky

- “Roughly 5 sales of existing step 1 products have been canceled or postponed. Overall sales for March (MTD) are 18% lower than March (MTD) 2019.”
- “We are not able to do sales promotions, like Winter Clearance Sales due to the COVID-19 outbreak due to people having to stay in. Store traffic has been reduced drastically and the consumer for wood has not had the opportunity to come in.”

Maine

- “Two locations. Had to suspend current "winter clearance event" sale and take ads off the radio - not sure if we can remain open for enough hours to sell through these stoves.”
- “There is no economic activity. We have two service calls for next week. This week, we have a full schedule, about 25 service calls. No one coming into the store. No phone calls. About \$15,000 to be lost. 2 weeks worth of payroll. Maybe a bit more. We might have a couple of them sold but the deals not done yet and everybody is spooked.”
- “While we have worked hard and had sales to successfully move out most of our soon to be obsolete product but the remaining product are ones which fit a limited number of niches and, even with substantial discounts being offered, require time to find the right customer.”
- “Today we have locked our front doors to protect our employees and customers and hopefully the country from any further spread of COVID-19. If our small contribution can help flatten the curve and save lives we are all in. We will do our best to keep our 8 employees as long as it takes, but at some point with our doors shuttered we may have to shut down. We still have 26 non 2020 stoves to sell. We have reduced prices and have been moving them until now. I am confident an extension on the sell thru deadline would allow us to move out the remaining product once we can re-open. Our business has been here since 1974, and will get thru this. PLEASE GIVE US THIS EXTENSION.”
- “Due to coronavirus, consumers have stop coming in. We need help. Mandate, like all business, it is putting us and employees out of work, please help us. p.s. we have 50 stove and fireplaces that must be sold. Do the right thing, thank you.”
- “As a 40 year old established small mom- pop business, our challenges are to complete these pre 2020 sales timely, in an environment where customers are urged to stay home, compounded by self limiting our exposure in the business as owners due to our age ..all the while working to accommodate employees with unexpected child care responsibilities as schools are now closed for a month. Our son, our key salesman and single parent, is now working remotely at home while caring and online schooling his twins as he is

uncomfortable with the risk of the grandparent child care option. Our other key employee is a veteran army reservist who I hope is allowed to stay with us through this all. Today our governor urged non essential businesses to close for 2 weeks however we remain open at this time as we have incoming freight. Store traffic is non existent everywhere i am told. Certainly in our shop. All sit down restaurants were ordered closed as of 8:00 tonight. We are 4 employees and have service sub contractors who depend on our sales for a portion of their income."

Maryland

- "Our showroom foot traffic has been dramatically reduced due to COVID-19, keeping people from seeing the inventory we have for sale."
- "We have reduced the price of the stoves to cost and have no one interested because no one is shopping. I may be forced to start giving a bag of toilet paper with every stove purchase."
- "We had our end of burn season sale February 26th through March 8th and we were approximately 30% down from last year's sale."
- "How many Step 1 stoves do you have? Approximately 50 Units (Currently Unsold) ... However we added 2 Units yesterday because customers canceled sales stating that they did not want to move forward due to the concerns over the Coronavirus. Both issues were money, job loss concerns and did not want installers in the home. This number could easily rise to 75 Units (25) Units sold but not installed) with potential cancellations. In addition to the obvious loss of inventory, I have a marketing and advertising push for "Year End Clearance Sale" that was planned to start next week with an outlay of over \$20,000 over two weeks. This plan was developed months ago to clear out remaining non - compliant units. The biggest issue for all dealers has been the record breaking warmth this winter that has dramatically impacted demand. Either way I had a big blow out planned for next couple of weeks to clear things out." (Maryland and New Jersey locations)

Massachusetts

- "Our spring sales are effectively cancelled because no one is leaving their homes. We are also concerned because there is an expectation that Massachusetts may impose a shelter-in-place order similar to San Francisco to deter spread of the virus."
- "We can't afford to take a loss like this. We are a wholesale distributor. About a third of the stoves were purchased in 2014-2015 before that new standard came out. These were still current models in 2019. The wood stove market has been soft the last few years, that's why we still have so many stoves left. We have 6 employees. We have offered them to our customers at our cost for the last several months, again the soft market didn't do much to help move the inventory."
- "We are closed for the next two weeks, at least. We plan to make sure every one of our 8 employees is paid during this pandemic. Our local homeshow was scheduled for the third week of March and has now been cancelled. Our hope was this would be our final push to get rid of the remaining non 2020 stoves. We currently have 20 stoves that we were hoping to

sell through by the May deadline. This pandemic is having a HUGE impact on our ability to do so. I am hoping the EPA can see their way clear to giving us the same compassion that we are giving our customers and employees during this unfortunate time. We totalled the value of the remaining 20 and wholesale cost would be about \$30,535. That's huge loss for a small business like ours."

- "We have very little traffic coming through the doors due to the current situation."
- "We have 8 employees and are no longer doing installs or service in people's homes until further notice. We have no one coming into the shop except to purchase a few bags of pellets or propane. We are discussing closing for the next few weeks to see what happens and trying to keep our staff protected."
- "Our current End-of-Season Spring Clearance sale is doing nothing (people are at grocery stores in anticipation of any area lockdowns."
- "With this current virus there has been almost no traffic shopping in our place of business. We don't see ourselves selling them before the deadline."
- "We had planned on holding a "tent sale" this spring but had to cancel due to Covid-19." (Massachusetts and Rhode Island locations)
- "I am closing the storefront a couple weeks. Hopefully we can find a way to get rid of them or write them off."
- "Cut back on hours, not doing routine service calls, only service calls for out-of-service problems as well as installations already scheduled. Taking extreme caution educating employees, in store posting signs for keeping six-foot distances, washing hands, cleaning all surfaces, asking customers if they have illness in the home. We are open, but are seeing very little traffic in the store. Trying to keep paychecks paid, but if necessary, we will have to lay off."
- "We are closing for at least one month."

Michigan

- "SPRING SALES EVENT THAT USUALLY DRAWS 100+ PEOPLE WAS CANCELED TO MAINTAIN SOCIAL DISTANCE."
- "We have 2 stores with a total of 16 employees. Since this started we have NO traffic. If they don't allow any sell through this could severely hurt our business and all involved. Please pass this on to whoever might be able to help."
- "At this time we are seeing much reduced store traffic do to the Virus situation. I believe this will have a big impact on our ability to move these stoves by the current deadline. To be stuck with these units we would have a loss of at least 25,000.00 dollars. That amounts to 4-5 weeks payroll."

- “Walk in's - Like a Ghost town.”
- “We have 17 Step 1 stoves left to sell. We have averaged 87 total stoves sold throughout the last 2 years. We normally run a layaway sale through April 15th, and part the final step of our step 1 close out included our advertisement during that sale that includes clearances prices on our step 1 stoves that is just now below cost for final liquidation. People are getting the message to stay home and not shop (restaurants in MI are closed except for takeout) and this will disrupt our final step of our closeout plan.”
- “Since the outbreak the showroom traffic has dropped off over 80%. Some people are putting off repairs and running electric heaters instead of having a tech come into the home. Lot's of people are worried and not letting us in to work.”
- “It is still unknown as to if we are to close the store, but there is virtually no traffic. We have reduced hours.”
- “Major sale of Step 1 product clearance has been disrupted.”
- “Since the scare of the virus we have been open with limited people working. 5 working, 6 people laid off. I highly doubt we will be able to move these stoves with the problems we are facing in the next months. We are getting very few calls for emergencies and next to no customers coming in to the store. We sold some wood pellets Thursday that was about all we had for business. It has been a very warm winter here so it had already slowed a bit before the virus hit, now business is about stopped completely.”

Minnesota

- “We have been forced to limit store hours which limits our ability to sell these step one stoves. Depending on the progress we are likely going to have to limit hours worked. The fear caused by COVID-19 has slowed store traffic a great deal. With the money on the above step 1 stoves already invested in the product, an allowed sell through period would greatly help our bottom line, more importantly keep our current staff fully employed.”
- “Shortened hours due to the virus outbreak, customer traffic has slowed WAY down. Like most within the last 12 hours we have reduced hours going forward and will likely be cutting staff by the end of next week.”
- “Had our local home show last weekend and attendance was lacking. Customers have cancelled estimates/previews as they do not want anybody in the home.”
- “Traffic is way off - and our bbq demos are cancelled.”
- “All of our plans for 2020 are disrupted at this point. (in prediction we will lose \$400k-\$500k per month at the current rate. If the government shuts down business, we will lose \$650k per month).”
- “Our largest show of the year, Arrowhead Home and builder show, has been cancelled. Last year this show produced six percent of our gross sales for the year. Foot traffic in the store

has stopped. We have furloughed one service tech and reduced hours for the office staff, and plan to reduce additional staff hours in the following weeks.”

Missouri

- “While I have been able to sell 3 in stock Phase 1 units over the past 2-3 months, Covid-19 has brought our entire company to almost a screeching halt. While I had a plan of action to try to offload these units, in the wake of this virus outbreak, I will most likely end up eating these units as bad debt should the May 15 deadline remain intact. We have been blowing these out at cost for months but now the season is over and very doubtful these will sell. Business has been disrupted dramatically since the virus outbreak and seems it will get worse.”
- “We have had zero foot traffic and the phone calls have slowed down dramatically.”
- “Planned on holding an End of season sale/ Foot Traffic has been bad.”
- “Our floor traffic has gotten almost flat at this time! We need more time to sell!! Please help!”

New Hampshire

- “What plans/sales have been disrupted: Slower foot traffic, slower than normal sales, people not spending, just waiting to see what's going to happen.”
- “No sales events have been interrupted currently but I imagine it will as door swings have declined significantly in the passing weeks, and continue to decline as the days roll on. In addition, clients are postponing technicians and installers coming into their homes. Even as a sales guy I have already had 2 site inspections cancel this week as people are concerned for their health and safety (which is understandable). Sales will continue to slow. Sales, and sales events will be impacted over the next several weeks/months. The hardest part about this is that no one buys wood stoves on May 14th... these next few weeks into early April will be a lot of hearth dealers best shot at getting rid of their 2019 inventory, and the next few weeks will likely be some of the most impacted times by this virus.”
- “Last Summer we ceased purchasing any Step 1 models that had comparable Step 2 alternatives available, but several of our manufacturers didn't have Step 2 alternatives ready until just a few months ago (some still aren't ready.) Each year we have a large "Spring Cleaning Sale" promotion in March where we clear out previous year inventory, and this year we marked down Step 1 models to our cost (meaning no profit) to make sure they clear out. Normally we would easily clear out as many units as we have left during the annual promotion, and in the first few days we were off to a good start, but with the current National Emergency our store traffic is now almost zero and our customer base is being financially impacted in ways that make them unlikely to be able to purchase a stove before the May 15th deadline.”
- “Our late winter early spring step 1 spring sell off sale has been affected by the Coronavirus repercussions. Mainly the Federal and State Governments advisories/recommendations to

utilize social distancing, stay away from places where 10 or more people gather (NH) and the public's general fear have slowed our business to a crawl at this point in time. Our plans are to wait and see the economic impact and evaluate conditions on a daily basis."

- "We are remaining open at this time but each day we see a big drop in walk-ins as well as phone calls. Honestly, this is our historic slow period anyway but it certainly feels more ominous than usual and I don't anticipate it getting better in the next six weeks or more. We felt confident that we could easily sell the remaining stoves prior to this outbreak but again, now it is unclear. In fact, I am wondering how many current contracts/sales orders will be cancelled from our clients because of the overall uncertainty of this ongoing crisis."
- "We've had several jobs cancel due to people not wanting service techs in their home. We also had 2 restaurant jobs cancel due the cash flow issues with restaurants and bars being closed. The phones just aren't ringing and there hasn't been foot traffic in the store due to the "social distancing" requirement. We have 5 Step 1 stoves left. Our entire showroom was changed over during the peak season but these is inventory that just hasn't sold. Our sales were primarily pellet and gas this year with limited wood sales. This is strange for us, our market is usually the opposite."
- "Business has been slow this past year and now it is DEAD! No one is coming through the door in spite of print and radio ads. And signage out front. Discounts are not bringing in the customers, either."

We are a small "mom & pop" shop with one, sometimes two additional employees with only one location. We are going to take a huge hit if we cannot sell through the Step 1 stoves. The emissions of the stoves we have in stock are very low as it is, and would not make any measurable impact on the environment if they were to be sold. It is really sad that a committee of few have dug their feet in the sand to affect thousands, just because they can."

- "Our sales right now are ... non-existent."

New Jersey

- "How many Step 1 stoves do you have? Approximately 50 Units (Currently Unsold) However we added 2 Units yesterday because customers canceled sales stating that they did not want to move forward due to the concerns over the Coronavirus. Both issues were money, job loss concerns and did not want installers in the home. This number could easily rise to 75 Units (25) Units sold but not installed) with potential cancellations. In addition to the obvious loss of inventory. I have a marketing and advertising push for "Year End Clearance Sale" that was planned to start next week with an outlay of over \$20,000 over two weeks. This plan was developed months ago to clear out remaining non – compliant units. The biggest issue for all dealers has been the record breaking warmth this winter that has dramatically impacted demand. Either way I had a big blow out planned for next couple of weeks to clear things out." (Maryland and New Jersey locations)
- "Currently 50% off sale, no traffic at this time. Warren County, NJ and surrounding areas have minimal virus outbreaks, but no foot traffic on Saturday which is our best day. Customers are staying home."

- “Store closed due to virus, no traffic, no sales. Approx \$27,000 loss between units, venting, labor.”
- “We had planned a very aggressive marketing plan to sell them off prior to the May 15, 2020 deadline, however with the current Covid-19 issue myself and my twelve employees are respecting the request to quarantine making it unlikely that these stoves will find new homes any time soon.”

Nevada

- “We have had to shut down Saturdays so far and may eventually shut down temporarily.”

New York

- “Since the Coronavirus outbreak, the phone is barely ringing, and little to no customers visiting our store.”
- “We are seeing reduced store traffic, but everything is changing by the hour.”
- “Showroom closed for two weeks.”
- “Money, and often their investments in “display stoves” comes out of their own pockets. Preventing these dealers from selling off these perfectly good stoves is hurtful and damaging to the industry! All the stoves that meet the 2015 standards already burn close to the 2020 standards, so extending these sales will NOT do any harm to the environment! BUT, it will negatively affect all the small businesses that still have some remaining stock.”
- “We have seen sales on these units stop over the past 2-3 weeks with concerns in the world with the virus and economy. We’ve had several orders for non-2020 units canceled by dealers due to their customers canceling or postponing jobs due to financial concerns. The customers are saying they still want the units, but are concerned with their current financial situation and are asking to have the units installed later in 2020. We offered these dealers great discounts on product to help move inventory through, of which the dealers sold the product at equal discounts. If the customers wait until after May 15th, 2020 they will not be able to purchase these units that they had already intended to buy and will most likely back up of any purchase. The recent events is going to cause hardship.”
- “Although this is normally our slow season, our in store sales have dropped to zero. All of our customers have stopped spending money on anything that is not a necessity. Within the next week or so we will have to make the decision on if we will have to close entirely. This will hurt our more vulnerable customers as they will still need stove repairs, and pellets for their heat.”
- “Unfortunately, we started seeing uncertainty in the market and an end to the selling season much earlier than we have in recent years due to the COVID-19 crisis. We have had little to no activity at the store for going on weeks. This week, we are closed to the public, and

employees will be filing for unemployment. Due to financial market conditions and volatility, I don't think it's possible to vacate the remaining models without doing so at a great loss."

North Carolina

- "We have 6 employees and have recently invested \$10,000 in an ad campaign as an attempt to sell them just before COVID-19 struck. Traffic has stopped."
- "We've had zero walk in traffic since Monday and jobs that were currently on the schedule are being canceled by the homeowners out of fear."
- "Business nearly halted...much shutdown ...opportunity to sell these dwindling by the minute. Projects on back burner for most people. Question even keeping showroom open."
- "Floor traffic is dead, may have to lay off installers."
- "We have had our store traffic drop by 95% in the last week. Our sales are off the same amount on a week to week basis and it does not look good to improve any time soon. I am not sure what to do at this point but to wait it out. It does not look good on selling those six stove though." (North Carolina and Georgia locations)
- "We have closed our doors to the public and are doing our best to give our six employees hours in the morning, cleaning , repairing thins at the store and out doing some on site projects which haven't been finished while waiting for parts and shipments."

North Dakota

- "We have zero walk in traffic at this time, only people that we have been working on getting a project going for before the Covid-19 virus. Hopefully we have a little extra time to get rid of the units or we must eat the money spent on inventory of them, zero profit...cost of advertising is gone also then."

Ohio

- "We are a small business the impact from people scared to get out, let alone short window to sell in, we cannot absorb the cost don't know if we can stay in business."
- "Due to the adverse issues going on I will be forced to lay off 2 of my employees at the end of March until business picks back up. What plans/sales have been disrupted - Installing new units and building improvements have been halted dot the sudden stoppage of sales since this outbreak. I typically sell 2 to 3 stoves a week and during the spring time sell 8 to 10 gas grills a week. Over the last 2 weeks I have sold 0 of both products."
- "The store traffic has gone from very heavy this time of year. To just about nobody. The stoves that people do want to buy don't want us to deliver until this virus passes over. Which is good thinking and I don't want to send my guys out either. So to sum this up. We need this deadline extended or my company whom is already losing sales will have to take another loss in May. Thank you for listening."

- “We have two sales set up. One is being impacted from the virus, the other was not successful due to warm weather.”
- “Customer traffic is much lower as compared to previous years at this time. Coming out of the winter season, it will be difficult to move the wood burning product before the deadline.”
- “Everything is shut down – people are scared both to shop in stores for fear of catching something and to make large purchases for fear of the economy not recovering any time soon. Traffic and sales are way down as a result with no idea of when things will go back to normal.”
- “We have our hours the same but no traffic. The phones are dead, the media is saying to stay home except for nonessential business. Most people don’t feel a wood or pellet stove/insert is essential particularly since we are looking at spring and it’s been a very mild winter. Demand is way down. The virus restrictions are killing the little there has been.”

Oklahoma

- “Big ad campaign started 3 weeks ago and is not bringing in customers...First week was good but last 2 have been zero.”

Oregon

- “We are located on border of Washington State a National Hot Bed for Covid19. The state of Wa. and Or. have instructed everyone to limit there leaving home only for essential items which has literally halted floor traffic regardless of T.V. advertising stating we are open for business. We are now out of Woodstove Season which makes it near impossible to move these stoves.”
- “Plans and sales have been disrupted with the impact of the coronavirus and we strongly urge the EPA to extend the sell-through date for these stoves. We currently have two install technicians out sick and are under quarantine. With a small business and under staffed, we are having a difficult time selling our inventory because of the extended wait times.”
- “Store traffic for new products is practically nonexistent, which is highly unusual for this time of year. Store hours will be cut back by 55% starting next week for 30-45 days, then be re-evaluated. We have not yet laid off any employees, but hourly workers will have hours cut back to 25 hours.”

Pennsylvania

- “Both our retail stores are closed to the public because of corona virus. PA State “strongly recommends” so we are complying.”
- “We are willing to dispose of all of these units at or below cost. Perfect storm conditions: seasonal slowdown, mild weather, very low heating oil prices, stock market crash,

impending recession. It is highly unlikely that we will see any buyers between now and May 15.”

- “We started a sale at the beginning of the month that we are calling March Mania End of Season Clearance and just as the advertising kicked in and we were starting to get some traction this coronavirus shutdown hit (Pennsylvania’s governor has ordered a shutdown of non-essential businesses). We weren’t waiting until now to sell them off; this is the third iteration of the sale, we had Holiday and New Years’ versions previously, increasing the discount each time. Given the extraordinary nature of this pandemic I don’t think some relief is coming out of left field here.”
- “Home shows have been canceled, customers staying home, people fearful of economic downturn holding off on making big purchases.”
- “About 3 sales of woods stoves have been disrupted as of today. Plans we had to mark down them down further and advertise in the paper we typically do as well as online.”
- “Closed for 14 days due to order by Governor Tom Wolf. And urged by President Trump. We are a high risk household with 2 kids who have Crohns Disease and my husband/owner who has diabetes.”
- “Obviously the Coronavirus had slowed down retail traffic into our store. Despite the state of PA recommending most businesses close we have maintained normal hours so far. But given how the media scarred the general consumer people are not traveling so of course our retail volume is down. An extension of the 2020 May deadline would of course be helpful to not only our store but to most Hearth Dealers in general...Everyone is in the same boat.”
- “As of March 6, 2020: *NO SALES; *NO CUSTOMERS INTO OUR STORE; *Stove Sales have been disrupted/non existent and waiting to hear whats the next step our company needs to take.”
- “As of Tuesday when Governor closed non-essential retail establishments, we laid off 3 FT positions.). What plans/sales have been disrupted: Showroom has had little foot-traffic as the COVID-10 Pandemic started to spread. We have historically moved over 30 units in March. (This year, while only the 18th we have moved 3...there is no way our sales volume will increase as only more restrictions are on the horizon.”
- “Sales have slowed down quite a bit this week.”
- “To make things worse we have lost our only chimney sweep crew and 2 install crews do to the COVID 19 Virus. We have 1 location and usually 25 employees. At this moment we have lost 7 employees for one reason or another due to this virus. We will most likely not meet the deadline for clearance of last year’s E.P.A. Appliances. We have been trying to clear product out around cost the last 7 months. But it hasn't been as successful as we hoped with the warm winter.”

- “We were supposed to have a clearance sale to move the remainder of the phase 1 units but have had to delay the sale due to the present health crisis.”

Rhode Island

- “We had planned on holding a “tent sale” this spring but had to cancel due to Covid-19.” (Rhode Island and Massachusetts locations)

South Dakota

- “As of 3/18/20 traffic is low due to the Virus.”

Tennessee

- “Since the start of restrictive movement policy and the fear factor that the public is going through our traffic in the store has dropped drastically. We have reduced the prices on these significantly but with the current situation it is unlikely that we will be able to move all of these units. We will try some other means to stimulate interest but we feel that more time is needed. We respectfully ask that you request on behalf of all dealers at least a 6 month extension. Worst case scenario we would welcome even a 90 day extension. We have been dropping the price on these units in some cases below our cost. But if we can’t get the traffic to the store we can’t move the product.”
- “We are right now looking at laying off 3 of our office staff as business has slowed to a crawl. We will probably have to reduce our store hours as that leaves me as the only one in the office full time.”
- “The Corona virus has just about shut business down. Schools, government offices, restaurants, are shutting down. Even some grocery stores in our area have announced they are shutting the doors as soon as their stock is gone. Our loss by having no other choice but to literally give away this huge inventory investment, even with tax breaks, will be devastating, especially to my 76 year old husband and partner.

We have been working over a 100 hours a week to try to keep up with the advertising, marking products down and it is just not going to work. We have worked very hard all these to build a successful business supporting 16 employees and their families, We were near being able to retire, only now, we are afraid we will not make it through and may lose this business and our retirement. A Mom & Pop business (especially at our age range) just cannot sustain a total loss to their inventory at this stage in our lives. We would appreciate some compassion and aid so we can get additional time to sell of the stoves and pull through this, so our family’s lives, as well as the lives of the families of our 16 staff members will not be wrecked by loss of their jobs after we get through this corona virus difficulty. Of course, sales Sales and more SALES! We had signage outside and inside the store as well. From one themed sale to another, advertising in different venues from print – local newspapers, several “shopper” publications with wide reach, online on local classified online ads, Craigslist and Ebay. Google ads, Facebook posts and ads. We did sell quite a few in Sept. and October, but we had a whole lot to start with. After the holidays, no amount of advertising at

highly discounted prices seemed to change the lack of interest. Even marking them down to the 50%- 60% off range has not attracted customers at this time.”

Texas

- “We started the year with somewhere less than 150 units. We now are down to around 25 mostly Hearthstone units. With the turn in the economy I doubt we will sell through. We went through this in...what the 80’s. I would not say we have ignored but I am not living my life around this. I feel for small Mom and Pop that get caught with 3-4 units. They are sunk. It is enough to deal with all the changing regulations, tax laws and new competition online but with all of this we have put together stellar years.”
- “We have worked and worked to sell the 41 units since October. We just sold one to a couple but they will not come to our store due to the COVID 19 outbreak. We have seen our walk-in traffic decrease last week and less this week. We have calls asking if we are open. Our builders, which is a large part of our business are seeing a slow down too.”
- “We were going to have a big sale the week after Easter but that is ‘to be determined’ now.”
- “We had plans to build a new larger building, already had land lined up to buy and plans drawn up, that’s on hold now.”
- “Store traffic has gone to 0, orders from customers have been postponed or cancelled all together until further notice. Some new construction builders have shut down work sites, until further notice. Customers will not allow us into their homes to preform requested work and or service calls.”

Vermont

- “Sales are still good but traffic has definitely slowed this last week and customers are starting to reschedule March jobs into June.”

Virginia

- “Things have tanked. We will have to give them away at the beginning of May.”
- “We have no idea where we will be come May 15th but even with an aggressive 25% off we have no sales of stoves in March and only two phone contacts about wood stoves of any kind.”

Washington

- “Our sales are off 50% since the National Emergency was announced. We stand to lose \$50,000-\$60,000 if our remaining Step 1 product goes unsold.”
- “The COVID-19 fears and resulting governmental restrictions to avoid going out in public have significantly and detrimentally affected our ability to sell these products before the current deadline. We have a single location store with 6 employees. Since the government

requirements for social distancing, our store traffic has all but ceased. We join our voices in appealing this deadline as it is detrimental to our business and seek relief for this burden due to these exceptional circumstances.”

- “Disrupted Plans/Sales: Home and Garden Show March 21st and 22nd was cancelled.”
- “We had to cancel our Two County Home Show (Mar 27-29), Service has been postponed for older customers, We have Annual Spring/Summer Cleanings (April 1st – July 31st) which gets us thru the off season, Service calls and installations we can do are taking longer because of all the protocol for Covid-19 virus we have had to implement, Employee’s (3) working from Home, Store traffic and over counter sales has dropped dramatically.”
- “What plans/sales have been disrupted: Our Spring Sale and Skagit Valley Home Show.”

Wisconsin

- “I have fourteen employees, one with an immune system compromised child, and three employees over 60 years of age. In considering closing my locations I have decided I cannot afford the financial sacrifice my family would endure not selling these brand new products. I have thus decided because of the policy of the EPA of not allowing a sell through period that I will have to keep all employees on staff and my locations open in order to not endure the financial hardship that the coronavirus will inevitably cause on top of having to destroy inventory. Extraordinary times require extraordinary actions and our governmental agency (EPA) is failing its citizens miserably.”
- “We will be having our annual anniversary sale in April, but with the arbitrary depression, people will not be making purchases as normal do to either not working or people not coming into their personal business and spending money. We normally make in the one month sales what we would do in a “in season” month. This will hurt us and our employees.”
- “The retail value on these products is over \$20,000 and we have already reduced the sale prices to our cost (or below) but the majority of consumers have little interest in shopping for a cold weather seasonal product as Spring is approaching and are now very hesitant to spend money and won’t leave their home as the Coronavirus has overtaken the minds of everyone. We definitely need more time. December 31st, 2020, as a minimum, would help greatly, as that is the time of year consumers search for this type of heating product and look for deals around the holidays to finalize a purchase.”
- “Was going to have a spring sale. But now nobody is spending money.”
- “New proposals are being signed very slow if any. If we don’t see improvement in the economy and this situation within a month we could be in trouble. We had a sports show signed up for this weekend. Because this situation is an act beyond the expos control we are out the deposit of \$2000 and out \$3000 of brochures and banners that we bought for the event. This is definitely hurting the pocket books and account payables.”

- “Due to the COVID-19 virus it will be extremely unlikely to sell off inventory by May 15th, already we have customers delaying and or cancelling projects, I'm sure this is only going to get worse in the next month or so. Sure would be practical to extend deadline on the inventory sell off. As of this week things have slowed down to a trickle form what is normal business this time of year (70 % less/down).”
- “All office, installation, and support staff have been reduced to 24 hour work weeks in an attempt to give everyone enough income to make ends meet without using earned PTO time. Retail floor traffic and sales have dropped to almost nothing and installations are difficult to get scheduled with the concerns.” (Wisconsin and Illinois locations)
- “The impact of the covid 19 warnings and restrictions has led to a 90% reduction in foot and phone traffic into our fireplace store. Virtually no new sales are happening. If there is no sell thru allowance this will be another economic impact in an already economical stressful year. Please do what you can to allow a reasonable sell thru period for these units be cleared out.”

Wyoming

- “Customers are financially capped. We have had multiple already sold step 1 units try to back out in the last two day, but due to the fact that we won't be able to sell them in time we have had to tell them no.”



March 25, 2020

Via Electronic Mail:

Nancy.Flickinger@usdoj.gov

Chief, Environmental Enforcement Section
Environment & Natural Resources Division
U.S. Department of Justice
Box 7611 Ben Franklin Station
Washington, D.C. 20044-7611

NPDES Branch
Water Protection Division
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103

Office of Regional Counsel
U.S. Environmental Protection Agency Region III
1650 Arch Street
Philadelphia, PA 19103

Executive Director
Virginia Department of Environmental Quality
629 East Main Street
Richmond, VA 23219

Regional Director Tidewater Regional Office
Virginia Department of Environmental Quality
5636 Southern Boulevard
Virginia Beach, VA 23462

Re: DOJ No.90-5-1-1-09125
General Force Majeure Notification Due to COVID-19 Pandemic

Dear Ms. Flickinger:

Pursuant to Section XXI of the Consent Decree, Hampton Roads Sanitation District hereby provides written notice of the possibility that compliance with ongoing requirements of the decree may be delayed or prevented due to COVID-19 related impacts.

As you know, on March 13, President Trump declared the pandemic a National Emergency. Governor Northam has also declared a state emergency. While EPA, DOJ, and DEQ are well aware of the pandemic and its far-reaching implications, we are nevertheless providing this notice as required under the decree.

At this time, this is a general assertion of force majeure. As we become aware of specific activities or projects that may be delayed, we will provide supplemental notices.

Our ability to comply in a timely fashion has been undermined for several reasons that are beyond our control:

- **First**, like the State and Federal governments, much of our team who can work remotely are doing so. This makes project administration and oversight, contract approval, and project delivery extremely challenging. Our local government partners have restricted access to their facilities and are largely working remotely but do not have systems in place for remote permit issuance and project review creating delays.

PO Box 5911, Virginia Beach, VA 23471-0911 • 757.460.7003

- **Second**, staff that are permitted to work onsite must prioritize their work to focus on maintaining critical operations during this pandemic. The impact of COVID-19 exposure on staffing remains uncertain and likely will reduce the number of staff available for implementation of consent decree requirements (condition assessment, MOM performance requirements, prompt repairs, rehab action plan projects, etc....).
- **Third**, much of our consent decree implementation is consultant and contractor supported. Many consultants have company-imposed travel bans and many of our contractors are subject to the same essential travel/shelter-in-place restrictions as everyone else. In addition, their people are as susceptible to contracting and communicating the virus as the rest of our resident population.
- **Fourth**, many of our ongoing activities are dependent on equipment, materials, and other supplies which either are or will face delivery suspensions or delays.
- **Fifth**, we are no longer shutting off customers' water for failure to pay water/sewer service fees during the pandemic. That will result in a loss of revenue that may affect our ability to issue contracts.
- **Sixth**, increasing rates in the face of unprecedented economic disaster is not responsible nor morally acceptable. On March 24, 2020, the HRSD Commission took action to approve fiscal year 2021 rates, without the increase planned to support our financial plan that undergirds our compliance with the consent decree. The impact of foregoing the planned 9 percent rate increase compounds to nearly \$1 billion in lost revenue over the 20-year financial planning period.

Thank you for your understanding during these unprecedented circumstances. If you have any questions, please contact me at 757-460-4242.

Sincerely,



Ted Henifin, P.E.
General Manager

C: Jim Pletl
Paul Calamita

From: [Cantor, Tiffany](#)
To: [Piantanida, David](#)
Cc: [Rathbone, Colleen](#)
Subject: FW: Red Lane Domestic Water, Inc (WY5600232)
Date: Thursday, May 28, 2020 1:26:56 PM
Attachments: [Memorandum on COVID-19 Implications for EPAs Enforcement and Compliance Assurance Program \(March 26, 2020\).pdf](#)
[Administrative Order - Red Lane Domestic Water Inc..pdf](#)
[LCR Consumer Notice of Tap Water Results Form.docx](#)
[LCR Consumer Notice Certification.docx](#)
[CCR Certification WY FewerThan 10K.pdf](#)
[Surfacewater FailureToCorrect SignificantDeficiency.docx](#)
[pn_ftm.pdf](#)

David,

Here's the first email regarding the mention of coronavirus; it wasn't a formal request for an extension. I'll send the other one in a moment.

Thanks!

Tiffany Cantor, SDWA Enforcement Section Chief
USEPA Region 8 (8ENF-W- SD)
1595 Wynkoop Street
Denver, CO 80202-8917

From: Castelli, Matthew <castelli.matthew@epa.gov>
Sent: Thursday, May 28, 2020 11:04 AM
To: Cantor, Tiffany <Cantor.Tiffany@epa.gov>
Cc: Latino, Steven <latino.steven@epa.gov>
Subject: FW: Red Lane Domestic Water, Inc (WY5600232)

Hi Tiffany,

I believe the email David is looking for is in the thread below.

Talk soon,
Matt Castelli
Senior Assistant Regional Counsel
Office of Regional Counsel, USEPA Region 8
303.312.6491 | castelli.matthew@epa.gov
Schedule: 6:30 am-4 pm, Telework: Tuesday

From: Cantor, Tiffany <Cantor.Tiffany@epa.gov>
Sent: Friday, April 3, 2020 11:34 AM
To: Castelli, Matthew <castelli.matthew@epa.gov>
Subject: FW: Red Lane Domestic Water, Inc (WY5600232)

For your records. Thanks for your assistance review the draft!

Tiffany Cantor, SDWA Enforcement Section Chief
USEPA Region 8 (8ENF-W- SD)
1595 Wynkoop Street
Denver, CO 80202-8917

From: Latino, Steven <latino.steven@epa.gov>
Sent: Friday, April 3, 2020 10:46 AM
To: ron arvey (b) (6)
Cc: Cantor, Tiffany <Cantor.Tiffany@epa.gov>; Crosby, Jake <Crosby.Jake@epa.gov>
Subject: Red Lane Domestic Water, Inc (WY5600232)

Hello Mr. Foote,

I am emailing to inform you that the EPA has decided not to extend the deadlines set forth in the Administrative Order that was issued on January 27, 2020 (Docket No. SDWA-08-2020-0019). We came to this determination based on multiple factors. The policy associated with the *COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program Memorandum* (Memo) applies to actions beginning on March 13, 2020. When you emailed me on March 27, 2020, you already missed the deadlines to consult pertaining to the storage tank cleaning (Paragraph 19 of the Order), to prepare and certify the Consumer Confidence Report (Paragraph 23 of the Order), and to issue the public notifications (Paragraphs 25 and 26 of the Order). All of these actions were required to occur prior to the Memo's effective date. Furthermore, the Memo notes: *Public water systems have a heightened responsibility to protect public health because unsafe drinking water can lead to serious illnesses and access to clean water for drinking and handwashing is critical during the COVID-19 pandemic. Accordingly, the EPA has heightened expectations for public water systems. The EPA expects operators of such systems to continue normal operations and maintenance as well as required sampling to ensure the safety of our drinking water supplies.*

If Red Lane Domestic Water does not take immediate steps to protect public health by addressing these Safe Drinking Water Act violations, our next course of action is to issue an Administrative Order Violation (AOV). Violation of any part of the existing Order, the Act, or Part 141 may subject you to a civil penalty of up to \$58,328 (as adjusted for inflation) per day of violation, a court injunction ordering compliance, or both. 42 U.S.C. § 300g-3; 40 C.F.R. part 19; 85 Fed. Reg. at 1754 (January 13, 2020). I will contact you again in one week to assess progress and to inform you of our decision.

As a reminder, the following actions needed to be completed within 30 days of receiving the Order:

- Respondent shall consult with the EPA regarding action to correct significant deficiencies and shall submit a proposed schedule. (Paragraph 19 of the Order). You will need to consult with Jake Crosby for this requirement, who can be reached at Crosby.Jake@epa.gov.
- Respondent shall (1) prepare an annual CCR, to include all information required by 40 C.F.R.

§§ 141.153 and 141.154, for the System for calendar years 2016 to 2017 and distribute the CCR to the System's customers and the EPA and (2) certify to the EPA that the CCRs for 2016 and 2017 have been distributed to the System's customers and that the information is correct and consistent with monitoring data previously provided to the EPA. (Paragraph 23 of the Order). Nara Jirik will be the contact for this requirement. She can be reached at jirik.nara@epa.gov.

- And quarterly thereafter as long as the violation cited in paragraph 8, persists, Respondent shall notify the public of this violation. Templates and instructions are available at: <https://www.epa.gov/region8-waterops/reporting-forms-drinking-water-systems-wyoming-and-tribal-lands-epa-region-8#pn> (Paragraph 25 of the Order). **I suggest you include a statement in the PN that the advisory is not related to COVID-19.**
- Respondent shall notify the public of the violations cited in paragraphs 7 (July 2017 violation), 9, 10, and 13, above. By July 31, 2020, Respondent shall notify the public of the 2019 violation cited in paragraph 7. Templates and instructions are available at: <https://www.epa.gov/region8-waterops/reporting-forms-drinking-water-systems-wyoming-and-tribal-lands-epa-region-8#pn> (Paragraph 26 of the Order). **I suggest you include a statement in the PN that the advisory is not related to COVID-19.**

You must also meet the other requirements listed in the Order by the respective deadlines. For your convenience, I have attached the Order to this email.

You may want to contact the Wyoming Association of Rural Water Systems (WARWS), which is a non-profit organization that can provide you with technical assistance related to your public water system. Here is a link to their website: <https://www.warws.com/>.

If you have any questions or concerns, please do not hesitate to reach out to me.

Best,

Steven Latino

SDWA Enforcement Unit | Enforcement and Compliance Assurance Division
U.S. EPA - Region 8 | [1595 Wynkoop St.](#), 8ENF-WSD, Denver, CO 80202 |
(P): 303.312.6440 | Email: latino.steven@epa.gov

From: ron arvey(b) (6) >
Sent: Friday, March 27, 2020 1:50 PM
To: Latino, Steven <latino.steven@epa.gov>
Subject: Re: Red Lane Domestic Water, Inc (WY5600232)

A guy called that is going to help me with this I am also owner of Showboat Retirement center and we are dealing with Corona Virus so it will be a bit before I can get back to it..]

Ron Foote

On 3/23/2020 11:29 AM, Latino, Steven wrote:

Hi Ron,

I am following up on the below items that are required to be completed by the administrative order that was issued on January 27, 2020. My records indicate that you have not completed the following requirements:

Within 30 days of receiving the Order:

- **Within 30 calendar days of receipt of this Order, Respondent shall consult with the EPA regarding action to correct significant deficiencies and shall submit a proposed schedule...(paragraph 19). You will need to consult with Jake Crosby for this requirement, who can be reached at Crosby.Jake@epa.gov**
- Respondent shall (1) prepare an annual CCR, to include all information required by 40 C.F.R. §§ 141.153 and 141.154, for the System for calendar years 2016 to 2017 and distribute the CCR to the System's customers and the EPA and (2) certify to the EPA that the CCRs for 2016 and 2017 have been distributed to the System's customers and that the information is correct and consistent with monitoring data previously provided to the EPA. Nara Jirik will be the contact for this requirement. She can be reached at jirik.nara@epa.gov
- Within 30 calendar days after receipt of this Order, and quarterly thereafter as long as the violation cited in paragraph 8, above, persists, Respondent shall notify the public of this violation. Templates and instructions are available at: <https://www.epa.gov/region8-waterops/reporting-forms-drinking-water-systems-wyoming-and-tribal-lands-epa-region-8#pn>

(paragraph 25)

- Within 30 calendar days after receipt of this Order, Respondent shall notify the public of the violations cited in paragraphs 7 (July 2017 violation), 9, 10, and 13, above. By July 31, 2020, Respondent shall notify the public of the 2019 violation cited in paragraph 7. Templates and instructions are available at: <https://www.epa.gov/region8-waterops/reporting-forms-drinking-water-systems-wyoming-and-tribal-lands-epa-region-8#pn> (paragraph 26)

I have cc'd Jake Crosby on this email. Please work with him to create a plan and schedule to address the significant deficiencies that require corrective action.

I also cc'd Nara Jirik. She will be able to assist you with completing the past due CCR's.

I have attached the public notices that you will need to fill out and send back to me. If you have any questions on completing them, please let me know and I can assist you.

Also keep in mind that within 90 days of receipt of the order, the following action will

need to be completed:

- Within 90 calendar days after receipt of this Order, Respondent shall deliver a consumer notice of the 2018 and 2019 individual tap monitoring results to the persons served at each sampled site (paragraph 22). Bolor Bertelmann can help you out with this requirement. She can be reached at Bortelmann.Bolor@epa.gov

If you have any questions regarding the above requirements, don't hesitate to reach out to me and I can go over the Order with you.

Best,

Steven Latino

SDWA Enforcement Unit | Enforcement and Compliance Assurance Division
U.S. EPA - Region 8 | [1595 Wynkoop St.](#), 8ENF-WSD, Denver, CO 80202 |
(P): 303.312.6440 | Email: latino.steven@epa.gov

From: Latino, Steven

Sent: Thursday, February 13, 2020 2:30 PM

To: foyrvpark@rtconnect.net; HeathO@EAengineers.com; ron arvey

(b) (6)

Cc: Crosby, Jake <Crosby.Jake@epa.gov>

Subject: Red Lane Domestic Water, Inc (WY5600232)

Hello Mr. Foote,

Thanks for taking the time to speak with me today. This email will serve as a follow up to our conversation.

Please note the time requirements in the order section of the items that need to be accomplished:

Within 30 days of receiving the Order:

- **Within 30 calendar days of receipt of this Order, Respondent shall consult with the EPA regarding action to correct significant deficiencies and shall submit a proposed schedule...(paragraph 19). You will need to consult with**

Jake Crosby for this requirement, who can be reached at

Crosby.Jake@epa.gov

- Respondent shall (1) prepare an annual CCR, to include all information required by 40 C.F.R. §§ 141.153 and 141.154, for the System for calendar years 2016 to 2017 and distribute the CCR to the System's customers and the EPA and (2) certify to the EPA that the CCRs for 2016 and 2017 have been distributed to the System's customers and that the information is correct and consistent with monitoring data previously provided to the EPA. Nara Jirik will be the contact for this requirement. She can be reached at jirik.nara@epa.gov
- Within 30 calendar days after receipt of this Order, and quarterly thereafter as long as the violation cited in paragraph 8, above, persists, Respondent shall notify the public of this violation. Templates and instructions are available at: <https://www.epa.gov/region8-waterops/reporting-forms-drinking-water-systems-wyoming-and-tribal-lands-epa-region-8#pn>

(paragraph 25)

- Within 30 calendar days after receipt of this Order, Respondent shall notify the public of the violations cited in paragraphs 7 (July 2017 violation), 9, 10, and 13, above. By July 31, 2020, Respondent shall notify the public of the 2019 violation cited in paragraph 7. Templates and instructions are available at: <https://www.epa.gov/region8-waterops/reporting-forms-drinking-water-systems-wyoming-and-tribal-lands-epa-region-8#pn> (paragraph 26)

Within 90 days of receiving the Order:

- Within 90 calendar days after receipt of this Order, Respondent shall deliver a consumer notice of the 2018 and 2019 individual tap monitoring results to the persons served at each sampled site (paragraph 22). Natalie Cannon can help you out with this requirement. She can be reached at Cannon.Natalie@epa.gov

The above are just a few of the requirements. Some of the items, such as monitoring for lead and copper and disinfection by-products will take place during specific time periods as mentioned in the Order.

During our call, you informed me that you took the DBP samples (TTHM and HAA5). Please have the lab send the samples to the EPA and, if possible, include my email address.

You also mentioned that you completed the lead and copper consumer notice and consumer confidence report. Please send me a copy of both items. If you did not save a copy, they will need to be completed again. Just in case, I have attached the lead and copper consumer notice and CCR certification in the requirements.

For help with the Lead and Copper Rule requirements, please contact Natalie Cannon at Cannon.Natalie@epa.gov or 303-312-6625.

If you or Heath have any questions, please do not hesitate to reach out.

Best,

Steven Latino

SDWA Enforcement Unit | Enforcement and Compliance Assurance Division
U.S. EPA - Region 8 | [1595 Wynkoop St.](#), 8ENF-WSD, Denver, CO 80202 |
(P): 303.312.6440 | Email: latino.steven@epa.gov



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
www.epa.gov/region08

JAN 27 2020

2020 JAN 27 AM 10:52

FILED
EPA REGION VIII
HEARING CLERK

Ref: 8ENF-W-SD

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Ronald A. Foote, President
Red Lane Domestic Water, Inc.
P.O. Box 745
Thermopolis, WY 82443

Re: Administrative Order issued to Red Lane Domestic Water, Inc. regarding Red Lane Domestic Water, Inc. Public Water System, PWS ID #WY5600232,
Docket No. **SDWA-08-2020-0019**

Dear Mr. Foote:

Enclosed is an Administrative Order (Order) issued by the United States Environmental Protection Agency under the authority of section 1414(g) of the Safe Drinking Water Act, 42 U.S.C. § 300g-3(g). Among other things, the Order alleges that Red Lane Domestic Water, Inc. (Company), as owner and operator of the Red Lane District, Inc. Public Water System (System), has violated the EPA's drinking water regulations at 40 C.F.R. part 141 (Part 141). The EPA is issuing this Order because our previous compliance assurance efforts have not been effective in returning the System to compliance with Part 141.

The Order is effective upon the date received. Please review the Order and within 10 business days provide the EPA with any pertinent information the Company believes the EPA may not have (e.g., any monitoring that may have been done but not submitted, any updates to the number of service connections and/or individuals served). If the EPA does not hear from the Company, the EPA will assume this information is correct. If the Company complies with the Order, the EPA may close the Order without further action.

Failure to comply with the Order may trigger immediate action by the EPA, including a complaint seeking administrative penalties. The complaint may lead to assessment of civil penalties of up to \$58,328 (as adjusted for inflation) per day of violation, a federal court injunction ordering compliance, or both.

The Small Business Regulatory Enforcement and Fairness Act (SBREFA) may apply to this situation. Enclosed is a small business information sheet, outlining compliance assistance resources available to small businesses and small entities, in case these are relevant. SBREFA does not eliminate the responsibility to comply with the Order or Part 141. Also enclosed are several templates and fact sheets to assist you in addressing the outstanding violations.

Please be aware that you are required to submit to the EPA a plan and schedule for bringing the System into compliance with Part 141. The EPA's approval of your schedule does not substitute for any other approval that may be required by any other governmental entity for modifying the System. The EPA encourages you to contact any such governmental agency or agencies regarding any applicable approval requirements.

If you have any questions or to request an informal conference with the EPA, please contact Steven Latino via email at latino.steven@epa.gov, or by phone at (800) 227-8917, extension 6440, or (303) 312-6440. Any questions from the Company's attorney should be directed to Matthew Castelli, Assistant Regional Counsel, via email at castelli.matthew@epa.gov or by phone at (800) 227-8917, extension 6491, or (303) 312-6491.

We urge your prompt attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "C. Rathbone", with a stylized flourish to the left.

Colleen Rathbone, Chief
Water Enforcement Branch
Enforcement and Compliance Assurance Division

Enclosures

cc: WY DEQ/DOH (via email)
Hot Springs County Commissioners (tom.ryan@hscounty.com)
Melissa Haniewicz, EPA Regional Hearing Clerk

2020 JAN 27 AM 10:52

Docket No. **SDWA-08-2020-0019**

ADMINISTRATIVE ORDER

THE ORDER

- ## VIOLATIONS

7. Respondent was required to collect total trihalomethanes (TTHM) and haloacetic acids (HAA5) samples in the System's distribution system during the month of the highest disinfectant byproduct concentrations at the location and on the date identified in the System's monitoring plan. 40 C.F.R. §§ 141.621 & 141.622(a)(1). Respondent failed to monitor the System's water for TTHM and HAA5 during July of 2017 and July of 2019 and, therefore, violated this requirement.
8. Respondent is required to complete corrective action of a significant deficiency in accordance with an EPA-approved corrective action schedule. 40 C.F.R. § 141.723(d). Respondent received a letter from the EPA on September 15, 2016, which detailed significant deficiencies. On July 16, 2018, the EPA approved a schedule for the System to complete the corrective actions by September 18, 2018.

Respondent failed to complete all corrective actions by September 18, 2018, and therefore, violated this requirement.

9. Respondent was required to monitor the System's tap water for lead and copper triennially beginning January 1, 2013, 40 C.F.R. § 141.86(d). Respondent failed to monitor the System's water for lead and copper during the 2013 to 2015 monitoring period and therefore, violated this requirement. Due to Respondent's failure to monitor during the 2013 to 2015 monitoring period, reduced triennial monitoring was revoked and Respondent was required to monitor for lead and copper annually beginning in 2016.

10. As of 2016, Respondent was required to monitor the System's water annually for lead and copper, 40 C.F.R. § 141.86(d). Respondent was required to monitor the System's water for lead and copper between June 1, 2016, and September 30, 2016. Respondent failed to monitor the System's water for lead and copper during that 2016 period and therefore, violated this requirement.

11. Respondent is required to deliver a consumer notice of individual tap monitoring results for lead and copper to the persons served at each sampled site within 30 days of receipt of the results in accordance with 40 C.F.R. § 141.85(d). Within 90 calendar days following the end of each monitoring period, Respondent is required to submit to the EPA a sample copy of the consumer notification along with a certification that the notification has been distributed, in accordance with 40 C.F.R. § 141.90(f)(3). Respondent failed to deliver a consumer notice for the 2018 and 2019 monitoring periods to the persons served at each sampled site and failed to submit a copy of the consumer notice to the EPA and, therefore, violated this requirement.

12. For each calendar year, Respondent is required, no later than July 1st of the following year, to prepare and distribute a Consumer Confidence Report (CCR) to the EPA and the System's customers. Within three months thereafter, Respondent is required to certify to the EPA that it has distributed the CCR to the System's customers, 40 C.F.R. §§ 141.151-141.155. Respondent failed to prepare and distribute an annual CCR for calendar years 2016 and 2017 to the System's customers and to the EPA and failed to provide a timely certification to the EPA for calendar years 2016 and 2017. Therefore, Respondent violated these requirements. Respondent submitted a deficient CCR report for 2017 to the EPA on October 9, 2018.

13. Respondent is required to monitor the System's water monthly for total coliform bacteria, 40 C.F.R. §§ 141.853-858. Respondent failed to monitor the System's water for total coliform bacteria during June of 2018 and therefore, violated this requirement.

14. Respondent is required to notify the public of certain violations of Part 141 and, within 10 calendar days after completing public notice, provide a copy of the public notice and certification to the EPA, 40 C.F.R. §§ 141.31(d) and 141.201-141.211. The violation identified in paragraph 8, above, is classified as a Tier 2 violation, requiring public notice within 30 calendar days, according to 40 C.F.R. § 141.203. Respondent failed to notify the public of the violation cited in paragraph 8 and/or failed to submit a copy to the EPA and therefore, violated this requirement.

15. Respondent is required to notify the public of certain violations of Part 141 and, within 10 calendar days after completing public notice, provide a copy of the public notice and certification to the EPA. 40 C.F.R. §§ 141.31(d) and 141.201-141.211. The violations identified in paragraphs 7, 9, 10 and 13, above, are classified as Tier 3 violations, requiring public notice within 1 year, according to 40 C.F.R. § 141.204. Respondent failed to notify the public of the violations cited in paragraphs 7 (July 2017 violation), 9, 10, and 13, and/or failed to submit a copy to the EPA and therefore, violated this requirement.

16. Respondent is required to report any violation of total coliform monitoring requirements to the EPA within 10 calendar days after discovering the violation. 40 C.F.R. § 141.861(a)(4). Respondent failed to report the violation listed in paragraph 13, above, to the EPA and therefore, violated this requirement.

17. Respondent is required to report any failure to comply with any National Primary Drinking Water Regulations Part 141 to the EPA within 48 hours (except where Part 141 specify a different time period). 40 C.F.R. § 141.31(b). Respondent failed to report the violations cited in paragraphs 7 through 12, above, to the EPA and therefore, violated this requirement.

ORDER

Respondent is ordered to perform the following actions upon Respondent's receipt of this Order (unless a different deadline is specified below):

18. Respondent shall monitor the System's water annually for TTHM and HAA5 at the specific location during the month identified in the System's monitoring plan, as required by 40 C.F.R. §§141.620-141.622. Respondent shall submit the sampling results to the EPA within 10 calendar days following the end of the monitoring period, as specified by 40 C.F.R. § 141.629.

19. Within 30 calendar days of receipt of this Order, Respondent shall consult with the EPA regarding action to correct significant deficiencies and shall submit a proposed schedule (Schedule) and plan to the EPA for completion of all corrective actions. The Schedule shall be incorporated into this Order with each milestone to be an enforceable requirement upon written approval by the EPA. Within 10 calendar days after completing all tasks included in the Schedule, Respondent shall notify the EPA of the project's completion. Respondent shall provide sufficient evidence to the EPA including photographs of the corrective actions. Thereafter, if the EPA identifies any significant deficiency at the System, Respondent shall complete corrective action for each significant deficiency according to the schedule approved by the EPA and provide notification to the EPA within 30 calendar days of completion, as required by 40 C.F.R. § 141.723(d).

Corrective actions:

- Tank ST01 - Storage Tank (16,500 gallons) must be cleaned and inspected and documentation of the cleaning and the results of the inspection provided to the EPA.

20. Between June 1, 2020, and September 30, 2020, Respondent shall monitor the System's water for lead and copper, and thereafter as directed by the EPA, in accordance with 40 C.F.R. §§ 141.86(b), (c) and (d). Respondent shall monitor the System's water for lead and copper according to a tap sample site plan that has been submitted to the EPA, in accordance with 40 C.F.R. § 141.86(a). Within 30 calendar days of receiving monitoring results, Respondent shall deliver a consumer notice of individual tap monitoring results to the persons served at each sampled site, in accordance with 40 C.F.R. 141.85(d). Within 90 calendar days following the end of each monitoring period, Respondent shall submit to the EPA a sample copy of the consumer notification along with a certification that the notification has been distributed, in accordance with 40 C.F.R. 141.90(f)(3).

21. Between June 1, 2020, and September 30, 2020, Respondent shall monitor the System's water for lead and copper, and thereafter as directed by the EPA, in accordance with the System's Lead and Copper Rule Tap Sample Site Plan, as required by 40 C.F.R. § 141.86(a)-(d). Within the first 10 calendar days following the end of each monitoring period, Respondent shall report analytical results to the EPA, as required by 40 C.F.R. § 141.90. Within 30 calendar days of receiving monitoring results, Respondent shall deliver a consumer notice of individual tap monitoring results to the persons served at each sampled site, in accordance with 40 C.F.R. 141.85(d). Within 90 calendar days following the end of each monitoring period, Respondent shall submit to the EPA a sample copy of the consumer notification along with a certification that the notification has been distributed, in accordance with 40 C.F.R. 141.90(f)(3).

22. Within 90 calendar days after receipt of this Order, Respondent shall deliver a consumer notice of the 2018 and 2019 individual tap monitoring results to the persons served at each sampled site, in accordance with 40 C.F.R. § 141.85(d), and submit a copy of the consumer notice to the EPA. Respondent shall deliver a consumer notice of future individual tap monitoring results for lead and copper to the persons served at each sampled site within 30 days of receipt of the results in accordance with 40 C.F.R. § 141.85(d). Within 90 calendar days following the end of each monitoring period, Respondent shall submit to the EPA a sample copy of the consumer notification along with a certification that the notification has been distributed, in accordance with 40 C.F.R. § 141.90(f)(3).

23. Within 30 calendar days after receipt of this Order, Respondent shall (1) prepare an annual CCR, to include all information required by 40 C.F.R. §§ 141.153 and 141.154, for the System for calendar years 2016 to 2017 and distribute the CCR to the System's customers and the EPA and (2) certify to the EPA that the CCRs for 2016 and 2017 have been distributed to the System's customers and that the information is correct and consistent with monitoring data previously provided to the EPA. Thereafter, Respondent shall prepare and distribute annual CCRs and provide certifications as required by 40 C.F.R. §§ 141.151-141.155.

24. Respondent shall monitor the System's water monthly for total coliform bacteria according to the Sample Siting Plan submitted to the EPA. If a sample is positive for total coliform, within 24 hours of being notified of the positive result, Respondent shall collect a set of three repeat samples for each total coliform-positive sample. 40 C.F.R. § 141.853-858. Respondent shall report results to the EPA within the first 10 calendar days following the end of the required monitoring period. 40 C.F.R. § 141.31(a).

25. Within 30 calendar days after receipt of this Order, and quarterly thereafter as long as the violation cited in paragraph 8, above, persists, Respondent shall notify the public of this violation. Templates and instructions are available at: <https://www.epa.gov/region8-waterops/reporting-forms-drinking-water-systems-wyoming-and-tribal-lands-epa-region-8#pn>. Thereafter, following any future violation of Part 141, Respondent shall comply with any applicable public notice provisions of 40 C.F.R. part 141, subpart Q. Within 10 calendar days after providing public notice, Respondent shall submit a copy of the notice and certification to the EPA. 40 C.F.R. § 141.31(d).
26. Within 30 calendar days after receipt of this Order, Respondent shall notify the public of the violations cited in paragraphs 7 (July 2017 violation), 9, 10, and 13, above. By July 31, 2020, Respondent shall notify the public of the 2019 violation cited in paragraph 7. Templates and instructions are available at: <https://www.epa.gov/region8-waterops/reporting-forms-drinking-water-systems-wyoming-and-tribal-lands-epa-region-8#pn>. Thereafter, following any future violation of Part 141, Respondent shall comply with any applicable public notice provisions of 40 C.F.R. part 141, subpart Q. Within 10 calendar days after providing public notice, Respondent shall submit a copy of the notice and certification to the EPA. 40 C.F.R. § 141.31(d).
27. Respondent shall report any violation of total coliform monitoring requirements to the EPA within 10 calendar days after discovering the violation and notify the public in accordance with subpart Q of this part, as required by 40 C.F.R. § 141.861(a)(4).
28. Respondent shall report any violation of Part 141 to the EPA within 48 hours of the violation occurring, as required by 40 C.F.R. § 141.31(b). However, if a different time period for reporting is specified in this Order or Part 141, Respondent shall report within that different period.
29. Respondent shall report any violation of lead and copper monitoring requirements to the EPA within 48 hours, as required by 40 C.F.R. § 141.31(b).
30. Respondent is ordered to comply with all provisions of the Act and Part 141, including but not limited to each requirement cited above.
31. If Respondent (a) leases or sells the System to another person or entity, or (b) contracts with or hires any other person or entity to operate the System, Respondent shall, within 10 days, provide a copy of this Order to the lessee, purchaser, or contractor and notify the EPA in writing of the change. In either of these circumstances, Respondent shall remain obligated to comply with this Order.
32. Respondent shall send all reporting and notifications required by this Order to the EPA at:

Email: R8DWU@epa.gov and latino.steven@epa.gov

GENERAL PROVISIONS

33. This Order shall be binding on Respondent, its successors and assigns, and any person (*e.g.*, employee, contractor, or other agent) acting in concert with Respondent.
34. This Order shall not constitute a waiver, suspension, or modification of any requirement of the Act or Part 141. Issuance of this Order is not an election by the EPA to forgo any civil or criminal action.
35. Violation of any part of this Order, the Act, or Part 141 may subject Respondent to a civil penalty of up to \$58,328 (as adjusted for inflation) per day of violation, a court injunction ordering compliance, or both. 42 U.S.C. § 300g-3; 40 C.F.R. part 19; 85 Fed. Reg. at 1754 (January 13, 2020).
36. Respondent may seek federal judicial review of this Order pursuant to section 1448(a) of the Act, 42 U.S.C. § 300j-7(a).

Issued: January 27, 2020



T. Canton

Colleen Rathbone, Chief
Water Enforcement Branch
Enforcement and Compliance Assurance Division

U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

Office of Small and Disadvantaged Business Utilization (OSDBU)

www.epa.gov/aboutepa/about-office-small-and-disadvantaged-business-utilization-osdbu

EPA's OSDBU advocates and advances business, regulatory, and environmental compliance concerns of small and socio-economically disadvantaged businesses.

EPA's Asbestos Small Business Ombudsman (ASBO)

www.epa.gov/resources-small-businesses/asbestos-small-business-ombudsman or 1-800-368-5888

The EPA ASBO serves as a conduit for small businesses to access EPA and facilitates communications between the small business community and the Agency.

Small Business Environmental Assistance Program

<https://nationalsbeap.org>

This program provides a "one-stop shop" for small businesses and assistance providers seeking information on a wide range of environmental topics and state-specific environmental compliance assistance resources.

EPA's Compliance Assistance Homepage

www.epa.gov/compliance

This page is a gateway to industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

Compliance Assistance Centers

www.complianceassistance.net

EPA sponsored Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

Agriculture

www.epa.gov/agriculture

Automotive Recycling

www.ecarcenter.org

Automotive Service and Repair

www.ccar-greenlink.org or 1-888-GRN-LINK

Chemical Manufacturing

www.chemalliance.org

Construction

www.cicacenter.org

Education

www.campuserc.org

Food Processing

www.fpeac.org

Healthcare

www.hercenter.org

Local Government

www.lgean.org

Surface Finishing

<http://www.sterc.org>

Paints and Coatings

www.paintcenter.org

Printing

www.pheac.org

Ports

www.portcompliance.org

Transportation

www.tercenter.org

U.S. Border Compliance and Import/Export Issues

www.bordercenter.org

EPA Hotlines and Clearinghouses

www.epa.gov/home/epa-hotlines

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Examples include:

Clean Air Technology Center (CATC) Info-line

www.epa.gov/catc or 1-919-541-0800

Superfund, TRI, EPCRA, RMP, and Oil Information Center

1-800-424-9346

EPA Imported Vehicles and Engines Public Helpline

www.epa.gov/otaq/imports or 1-734-214-4100

National Pesticide Information Center

www.npic.orst.edu or 1-800-858-7378

National Response Center Hotline to report oil and hazardous substance spills - <http://nrc.uscg.mil> or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC) -

www.epa.gov/p2/pollution-prevention-resources#ppic or 1-202-566-0799

Safe Drinking Water Hotline -

www.epa.gov/ground-water-and-drinking-water/safe-drinking-water-hotline or 1-800-426-4791

Toxic Substances Control Act (TSCA) Hotline

tsc hotline@epa.gov or 1-202-554-1404

Small Entity Compliance Guides

<https://www.epa.gov/reg-flex/small-entity-compliance-guides>

EPA publishes a Small Entity Compliance Guide (SECG) for every rule for which the Agency has prepared a final regulatory flexibility analysis, in accordance with Section 604 of the Regulatory Flexibility Act (RFA).

Regional Small Business Liaisons

www.epa.gov/resources-small-businesses/epa-regional-office-small-business-liaisons

The U.S. Environmental Protection Agency (EPA) Regional Small Business Liaison (RSBL) is the primary regional contact and often the expert on small business assistance, advocacy, and outreach. The RSBL is the regional voice for the EPA Asbestos and Small Business Ombudsman (ASBO).

State Resource Locators

www.enveap.org/statetools

The Locators provide state-specific contacts, regulations and resources covering the major environmental laws.

State Small Business Environmental Assistance Programs (SBEAPs)

<https://nationalsbeap.org/states/list>

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits.

EPA's Tribal Portal

www.epa.gov/tribalportal

The Portal helps users locate tribal-related information within EPA and other federal agencies.

EPA Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two such policies that may apply to small businesses:

EPA's Small Business Compliance Policy

www.epa.gov/enforcement/small-businesses-and-enforcement

EPA's Audit Policy

www.epa.gov/compliance/epas-audit-policy

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a SBREFA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.



EPA Region 8 Drinking Water Unit - Tips for WY and Tribal Systems How to Stay in Compliance with Monitoring Requirements

Check your Monitoring Schedule

- Monitoring and Reporting Requirements (Schedules) are emailed to you in February of each year. This schedule notes all contaminants your water system must monitor for, along with the required number of samples, sampling point location(s), frequency and timeframe.
- For more detailed info on your Monitoring Schedule, please refer to "What You Need to Do Next with Monitoring Requirements" which can be found at: <https://www.epa.gov/region8-waterops/quick-guide-drinking-water-monitoring-requirements-wyoming-and-tribal-lands-epa>
- Suggestions: Post your Monitoring Schedule on your bulletin board. Note when you must sample on your desk or wall calendar. Use a scheduler on your computer (like Outlook) to identify sampling dates and set reminders.
- If you misplace your Monitoring Schedule, a copy can be found on Drinking Water Watch (DWW) or call EPA for a replacement copy.
- **Work with your Certified Lab** - Once you receive your Monitoring Schedule, share it with your lab(s).
- Schedule what bottles you will need for the sampling required for the year and ask for extra Total Coliform Rule (TCR) sample bottles just in case you have a total coliform (TC) positive and need to take repeats or source samples for the Ground Water Rule. It saves time!
- Check to see if your lab will copy EPA when they email you your results. This will save you a step! But ultimately, you are responsible for making sure that EPA receives your sample results.
- **Check your email for messages from EPA.** Every month EPA sends out a reminder to the administrative contact (and others who request to be opted-in) of what chemical (including radiological) samples remain to be collected for the monitoring period.
- Use DWW to print out your chemical sample collection form for the pending requirements. It will contain information to help your lab understand what to test your samples for.

When to Sample and When to Report Results to EPA - ALWAYS sample as early in the month or monitoring period as you can – on a Monday if possible! This way, if a sample is lost or exceeds a holding time, you will still have time to collect another sample before the weekend or end of the month. This is a super easy way to avoid a violation.

- If the lab is not copying EPA on your sample results, send them in to EPA as soon as you receive them. This way you can avoid getting a violation for Failure to Monitor. **Tip:** TCR results are due by the 10th of the month following the month you sampled. For all other samples, send results to EPA as soon as you receive them from the lab.
- Samples results can be emailed to: r8dwu@epa.gov or faxed to: 1-877-876-9101

Where to Sample – Take your samples according to your Monitoring Schedule during the correct time period and at the correct location(s). Some samples must be collected at the entry point while others must be collected in the distribution system. Use your approved sampling/monitoring plans for distribution system samples!

Surface Water Treatment Rule – For compliance guidance, please refer to the EPA Region 8 SWTR Fact Sheet located at: <https://www.epa.gov/region8-waterops/swtr-fact-sheet-epa-region-8-may-2018>

Total Coliform Rule

- Anytime you have a *E. coli* (EC+) sample **you must call EPA IMMEDIATELY at 1-800-227-8917** and ask to speak with the RTR Manager. Then take repeat TCR samples, as well as Ground Water Rule source sample(s) (if applicable).
- If you have a TC Positive but an E. Coli Negative, follow the 5 steps outlined in "*Follow-up to an Unsafe/Total Coliform Positive Sample Tech Tip*", which can be found at: <https://www.epa.gov/region8-waterops/addressing-total-coliform-positive-or-ecoli-positive-sample-results-epa-region-8>
- Avoid sampling at new faucets or newly repaired faucets, leaky faucets, outdoor faucets or those faucets connected to softeners, hot water heaters, or pressure tanks; setting down the bottle lid or exposing the inside of the lid or bottle to anything other than the sample water (do not rinse or remove powder); and rushing your sample collection. The TCR samples must be taken at specified locations throughout the distribution system as designated by your sampling plans.

Disinfection Byproducts Rule (DBPR)

- Sample according to your approved monitoring plan -- you can also find what month(s) you are required to monitor and locations on your Monitoring Schedule.
- Submit your sample results and your LRAA forms (applicable to quarterly sampling) as a package as soon as you receive the results from your lab.
- Complete and submit the TTHM HAA5 OEL Calculator, which can be found on Drinking Water Online at: <https://www.epa.gov/region8-waterops/reporting-forms-drinking-water-systems-wyoming-and-tribal-lands-epa-region-8#dbpr2>, together with your compliance reports if the TTHM or HAA5 MCL is exceeded during any quarter.

Nitrates – This is an acute contaminant. If your nitrate sample result is over 10 mg/L you must take a confirmation sample within 24 hours and call EPA IMMEDIATELY at 303-312-6791.

Lead and Copper Rule

- Be sure to check your Monitoring Schedule, as lead and copper samples must be collected during certain months. Also, be sure to follow your lead and copper sample siting plan when collecting samples. You must collect samples from approved locations. If you don't have to sample this year, your Monitoring Schedule will tell you that.
- **Always** collect a first-draw sample from a tap where the water has been standing in the pipes for at least 6 hours. Avoid sample locations that have been vacant for weeks or months. The goal is to sample at homes and taps in these homes that are routinely used. Always follow your monitoring plan.

Other Rules - Check your sample results as soon as you receive them from the lab. If you see any sample has exceeded an MCL or *E. coli* positive, contact EPA immediately.

Drinking Water Online - This is where you can find the link to DWW and general info, including: emergencies, what to do if you lose pressure in your system, sanitary survey info, certified lab info, sampling and treatment techniques, reporting forms and instructions, rules and guidance and much more. Be sure to check this very helpful website: <https://www.epa.gov/region8-waterops>

Drinking Water Watch - This online system allows you view data we maintain about your water system(s). The information includes the following:

- size and type of population served
- contact information
- water system facilities, such as wells, intakes, treatment plant, storage tanks, and distribution
- treatment used
- monitoring schedules
- sampling results reported to EPA
- violations
- plus, even more...

The Public Access Version of DWW (DWWPUB) allows anyone who is interested to view much of the available information for each regulated Public Water System (PWS) in Wyoming and within EPA R8 Tribal Lands, without the need to register or remember passwords. The Public Access Version of DWW can be found at: <https://sdwiser8.epa.gov/Region8DWWPUB/default.jsp>

Emergencies (After Hours) - If you need to report an emergency (flooding or loss of your water source, contamination in your drinking water, loss of pressure in the distribution system, or anything else that could require immediate public notice), after hours call the Region 8 Emergency Hotline at 303-293-1788. Inform the operator that you are a drinking water system in EPA Region 8.

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Monitoring Requirements Not Met for _____
(Public Water System Name)

Our water system violated several drinking water regulations over the compliance period shown below. Even though these were not emergencies, as our customers, you have a right to know what happened and what we did to correct these situations.

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are indicators of whether or not your drinking water meets health standards. During _____, we did not monitor for _____,
(compliance period) (contaminant(s))
and therefore cannot be sure of the quality of your drinking water during that time.

What should I do?

There is nothing you need to do at this time.

The table below lists the contaminant(s) we did not properly test for during the compliance period, how often we are supposed to sample and how many samples we are supposed to take, how many samples we took, when samples should have been taken, and the date on which follow-up samples were taken.

Contaminant	Required sampling frequency	Number of samples taken	When samples should have been taken	When samples were taken

What happened? What is being done?
(describe corrective action.)

For more information, please contact _____ at _____
(name of contact) (phone number)
or _____, Please share this information
(mailing address)

with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hands or mail.

This notice is being sent to you by _____, Public Water System ID#: _____
(system)

Date distributed: _____

ATTENTION: PWS Operator/Responsible Party

For monitoring violations, you must provide public notice to persons served within one year after you learn of the violation (141.204(b)).

Community systems must use one of the following methods of delivery (141.204(c)):

- Hand or direct delivery
- Mail, as a separate notice or included with the bill

Non-community systems must use one of the following methods of delivery (141.204(c)):

- Posting in conspicuous locations
- Hand delivery
- Mail

In addition, both community and non-community systems must use another method reasonably calculated to reach others if they would not be reached by the first method (141.204(c)). Such methods could include newspapers, email, or delivery to community organizations. If you post the notice, it must remain posted until the violation is resolved. If the violation has been resolved, you must post the notice for at least one week (141.204(b)). If you mail, post, or hand deliver, print your notice on letterhead, if available.

Corrective Actions

In your notice, describe corrective actions you took or are taking. This could include information stating that you have since taken or are in the process of taking the required samples.

After Issuing the Notice

Within ten days after issuing the notice, you must send to EPA a copy of each type of notice, along with a certification (see example below) that you have met all the public notice requirements. Mail copies to:

US EPA REGION 8
PUBLIC WATER SYSTEM PROGRAM - 8WD-SDA
1595 Wynkoop Street
DENVER CO 80202-1129

Or, you can fax a copy toll-free to 1-(877) 876-9101.

Certification of Public Notification

I _____ certify that the attached public notification was issued
(PWS Operator/Responsible Party)

from _____ to _____
(Date) (Date)

The attached notice was issued by _____
(Method of delivery)

Signature _____ Date _____

**LT2ESWTR Failure to Take Corrective Action Within Required Time Frame
Public Notice**

**IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER
Red Lane Domestic Water, INC Failed to Correct a Significant Deficiency Within
Required Time Frame.**

Our water system recently violated a drinking water requirement. Although this incident was not an emergency, as our customers, you have a right to know what happened and what we did (are doing) to correct this situation.

During a routine sanitary survey conducted on September 1, 2015 by the Environmental Protection Agency Region 8, the following significant deficiencies were identified:

The Storage Tank had not been cleaned and inspected within the last 10 years. Significant corrosion within the tank was also observed during the survey.

According to the EPA's Long Term 2 Enhanced Surface Water Treatment Rule, we were required to take action to correct this deficiency. However, we failed to take this action according to the schedule we submitted to the EPA.

What should I do?

- There is nothing you need to do. You do not need to boil your water or take other corrective actions.

What does this mean?

This is not an emergency. If it had been, you would have been notified within 24 hours.

Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches. These symptoms, however, are not caused only by organisms in drinking water, but also by other factors. If you experience any of these symptoms and they persist, you may want to seek medical advice.

What is being done?

(Describe corrective action) _____

We anticipate resolving the problem within (estimated time frame) _____.
For more information, please contact (name of system contact) _____ at (phone number) _____
_____ or (mailing address) _____.

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly. You can do this by posting this notice in a public place or distributing copies by hand or mail.

This notice is being sent to you by (system name) Red Lane Domestic Water, Inc.

Public Water System ID#: WY5600232.

Date distributed: _____.

Instructions for LT2ESWTR Failure to Take Corrective Action Within Required Time

Template on Reverse

A system's failure to be in compliance with an EPA approved corrective action plan and schedule for a significant deficiency under the Long Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR) is a treatment technique violation and requires Tier 2 notification. You must provide public notice to persons served as soon as practical but within 30 days after you learn of the violation [40 CFR 141.203(b)]. You must issue a repeat notice every three months for as long as the violation persists. Your primacy agency may have more stringent requirements for treatment technique violations. Check with your agency to make sure you meet all requirements.

Community systems must use one of the following methods [40 CFR 141.203(c)]:

- Hand or direct delivery
- Mail, as a separate notice or included with the bill

Noncommunity systems must use one of the following methods [40 CFR 141.203(c)]:

- Posting in conspicuous locations
- Hand delivery
- Mail

In addition both community and noncommunity systems must use *another* method reasonably calculated to reach others if they would not be reached by the first method [40 CFR 141.203(c)]. Such methods could include newspapers, e-mail, or delivery to community organizations. If you mail, post, or hand deliver, print your notice on your system's letterhead if available.

The notice on the reverse is appropriate for mailing, posting, or hand delivery. If you modify this notice, you must still include all required PN elements from 40 CFR 141.205(a) and leave the mandatory language unchanged (see below).

Mandatory Language

Mandatory language on health effects (from Appendix B to Subpart Q) must be included as written (with blanks filled in) and is presented in this notice in italics and with an asterisk on either end.

You must also include standard language to encourage the distribution of the public notice to all persons served, where applicable [40 CFR 141.205(d)]. This language is also presented in this notice in italics and with an asterisk on either end.

Corrective Action

In your notice, describe corrective actions you are taking. Listed below are some steps commonly taken by water systems with LT2ESWTR treatment technique violations. Depending on the corrective action you are taking, you can use one or more of the following statements, if appropriate, or develop your own text:

- Although we did not meet our deadline, we are now in consultation with the state to develop a corrective action plan.
- The significant deficiency has been identified and addressed.
- We have implemented a short term plan to address the immediate issue while we pursue the long-term solution.

Repeat Notices

For repeat notices, you should state how long the violation has been ongoing and remind consumers of when you sent out any previous notices. If you are making progress with correcting the significant deficiency or addressing the fecal indicator-positive source sample, describe it. Alternatively, if funding or other issues are delaying corrective action, let consumers know.

After Issuing the Notice

Within ten days after issuing the notice, you must send to EPA a copy of each type of notice, along with certification that you have met all the public notice requirements.

Certification of Public Notification

I, _____, certify that the attached public notification was issued
(PWS Operator/Responsible Party)

from _____ to _____
(Date) (Date)

The attached notice was issued by _____
(Method of delivery)

Signature _____ Date _____

Notice of Lead Tap Water Results

Public Water System Name: _____ Public Water System ID: _____

Sample Location: _____ Date Collected: _____

Dear _____,

We would like to thank you for your participation in the lead tap monitoring program. Below is the lead result for the sample location listed above. Additional general information concerning lead in drinking water follows. For more information on reducing lead exposure around your home and the health effects of lead, visit EPA's Web site at www.epa.gov/lead, call the National Lead Information Center at 800-424-LEAD, or contact your health care provider.

If you need more information concerning this result, please call the _____ community water supply at _____ and ask for _____.

ONLY the statement that is checked below is applicable to your sample location.

☐ Lead was NOT DETECTED at this sample location.

☐ Lead was detected at _____ mg/L. This result is BELOW the lead action level of 0.015 mg/L.

☐ Lead was detected at _____ mg/L. This result is ABOVE the lead action level of 0.015 mg/L.

What Does This Mean?

Under the authority of the Safe Drinking Water Act, EPA set the action level for lead in drinking water at 0.015 mg/L. This means utilities must ensure that water from the customer's tap does not exceed this level in at least 90 percent of the homes sampled (90th percentile value). The action level is the concentration of a contaminant which, if exceeded, triggers treatment or other requirements which a water system must follow. If water from the tap does exceed this limit, then the utility must take certain steps to correct the problem. Because lead may pose serious health risks, the EPA set a Maximum Contaminant Level Goal (MCLG) of zero for lead. The MCLG is the level of a contaminant in drinking water below which there is no known or expected risk to health. MCLGs allow for a margin of safety.

If detected, your lead level may be due to conditions unique to your home, such as the presence of lead solder or brass faucets, fittings and valves that may contain lead. Our system works to keep the corrosivity of our water as low as possible (corrosive water can cause lead to leach from plumbing materials that contain lead) and there are actions you can take to reduce exposure. We recommend that you to take the steps below to reduce your exposure to lead in drinking water.

Should the lead 90th percentile for this water supply exceed the lead action level, we would take a number of steps to correct the problem. Such steps include; monitor our source water for lead content, initiate controls to reduce the corrosivity of our water, and initiate lead service line replacement if needed.

What Are The Health Effects of Lead?

Lead can cause serious health problems if too much enters your body from drinking water or other sources. It can cause damage to the brain and kidneys, and can interfere with the production of red blood cells that carry oxygen to all parts of your body. The greatest risk of lead exposure is to infants, young children, and pregnant women. Scientists have linked the effects of lead on the brain with lowered IQ in children. Adults with kidney problems and high blood pressure can be affected by low levels of lead more than healthy adults. Lead is stored in the bones, and it can be released later in life. During pregnancy, the child receives lead from the mother's bones, which may affect brain development.

What Are The Sources of Lead?

The primary sources of lead exposure for most children are deteriorating lead-based paint, lead-contaminated dust, and lead-contaminated residential soil. Exposure to lead is a significant health concern, especially for young children and infants whose growing bodies tend to absorb more lead than the average adult. Lead is rarely found in source water, but enters tap water through corrosion of plumbing materials. Homes built before 1988 are more likely to have lead pipes, fixtures and solder.

What Can I Do To Reduce Exposure to Lead in Drinking Water?

If you are concerned about the lead levels at your location, there are several things you can do:

- *Run your water to flush out lead.* If water hasn't been used for several hours, run water for 15-30 seconds or until it becomes cold or reaches a steady temperature before using it for drinking or cooking. This will help flush lead-containing water from the pipes.
- *Use cold water for cooking and preparing baby formula.* Do not cook with or drink water from the hot water tap; lead dissolves more easily into hot water. Do not use water from the hot water tap to make baby formula.
- *Do not boil water to remove lead.* Boiling water will not reduce lead.
- *Look for alternative sources or treatment of water.*
- *Test your water for lead.* Call us at the number above to find out how to get your water tested for lead.

Identify if your plumbing fixtures contain lead. Brass faucets, fittings, and valves, including those advertised as "lead-free," may contribute lead to drinking water. The law currently allows pipes, fittings, and fixtures with up to .25 percent weighted average of lead to be identified as "lead-free."

Lead Consumer Notice Certification Form

This form is intended for use by public water systems in Wyoming and tribal lands in the following states: Colorado, Montana, North Dakota, South Dakota, Utah or Wyoming.

Please complete this Lead Consumer Notice Certification Form. Include one example of a completed Consumer Notice Form and send both pieces of documentation to: EPA Region 8, Lead/Copper Rule Manager, r8dwn@epa.gov, or mail to 1595 Wynkoop Street, Denver, CO 80202-1129 or fax to: Attention Lead/Copper Rule Manager, 1-877-876-9101.

PWS Name: _____ PWS No. _____
Contact Person: _____ Phone: (____) _____
Today's Date: _____

Monitoring period to which the notice applies (e.g., June – September 2016): _____

The last result for the period was received from the laboratory on: _____

All results were provided to consumers by (date): _____

The water system also certifies that the template contained the following information and was delivered within 30 days of receiving the test results from the laboratory to such persons:

- Individual tap results from lead tap water monitoring
- An explanation of the health effects of lead
- Steps that consumers can take to reduce exposure to lead in drinking water
- Contact information for your water utility
- The maximum contaminant level goals and action levels for lead, and the definitions of these two terms

DELIVERY METHOD

The result/information notice was distributed by the following method, check all that apply:

- By Direct Mail _____
- By Hand Delivery _____
- By Electronic mail _____
- Other (e.g. posting) _____

Signature of Owner, Administrative Contact, or Official Custodian

I, _____, hereby certify that the lead consumer notice has been provided to each person it serves at the specific sampling site from which the sample was tested.

Signature _____ Date _____

Title _____

Consumer Confidence Report (CCR) Certification for Wyoming Community Water Systems Serving Fewer than 10,000 Persons

Community Water System Name: _____

Public Water System Identification No: _____ Year CCR Due: _____

Important: In 1999, Governor Jim Geringer exercised his authority under the Safe Drinking Water Act to waive the direct mailing requirement for CCRs for small community water systems in Wyoming. Small community water systems can instead meet their annual reporting requirements under the CCR Rule by the methods of report distribution listed below.

Directions: Please mark the boxes in the section relevant to your drinking water system and fill in the associated blanks. Then sign the form in the last section.

Community Water Systems Serving Fewer than 10,000 Persons must complete all three (3) of the following actions:

☐

1. Notified customers by direct mailing* that the CCR shall be printed in a local newspaper or made available on an internet web site.

Specify date and method of direct notice to customers:

and

☐

2. Published the CCR as an insert in one or more local newspapers serving the area of service or published the CCR on an internet web site.

Specify newspaper and the date of publication, or specify the internet web site address:

and

☐

3. Made paper copies of the CCR available to the public upon request.

Describe what information was provided to the customer so that he/she could request a paper copy of the CCR, if desired:

*Direct mailing can include mailing a paper notice or emailing a notice to your customers.

Community Water Systems Serving 500 Persons or Fewer must complete both of the following actions:

☐

1. Provided direct notice* to each customer that the annual CCR is available.

Specify the date and method of direct notice to customers, and where the report was made available:

and

☐

2. Made paper copies of the CCR available to the public upon request or through an internet web site.

Describe what information was provided to the customer so that he/she could request a paper copy of the CCR, or specify the internet web site address:

*Direct notice can include mailing a paper notice to or emailing a notice to your customers.

The community water system named above hereby confirms that its Consumer Confidence Report (CCR) has been distributed to customers or that appropriate notices of availability have been given as specified on this form. Further, the system certifies that the information contained in the report is correct and consistent with the compliance monitoring data previously submitted to EPA Region 8.

CERTIFIED BY:

Name (please print): _____

Title: _____ Phone #: _____

Signature: _____

Today's Date: _____

Please sign and send your completed certification by mail, fax, or email for receipt no later than October 1st of each year for the CCR due that same year:

MAILING ADDRESS:

US Environmental Protection Agency, Region 8
Drinking Water Program (8WP-SDA)
Attn: CCR Rule Manager
1595 Wynkoop St.
Mailcode: 8WP-SDA
Denver, CO 80202-1129

EMAIL:

To: R8DWU@epa.gov
Subject: CCR Certification

FAX:

1-(877) 876-9101
Attn: CCR Certification

Consumer Confidence Report (CCR) Certification Form for Wyoming and EPA R8 Tribal Community Water Systems

Community Water System Name: _____

Public Water System Identification No: _____ Year CCR Due: _____

Important: Community water systems are required to both directly deliver a copy of the CCR to each customer, and reach non-bill paying customers through other outreach methods known as "good faith" efforts. For direct delivery methods, you can choose either traditional or electronic methods of outreach, or both. Some possibilities for good faith delivery methods are listed on the next page.

Directions: Please mark all boxes and fill out the blanks for all items that apply, then sign the form on the last page.

Required Delivery Methods	Outreach Used for Report Distribution
Direct Delivery: Traditional Methods 	<input type="checkbox"/> Mail: A paper CCR was mailed to each customer on _____ (date). <input type="checkbox"/> Hand Delivery: A paper CCR was hand-delivered to each customer on _____ (date).
Direct Delivery: Electronic Methods In your electronic outreach, please describe what information the customer was provided so that he/she could request a paper copy of the CCR, if desired: <hr/> <hr/> <hr/>	<input type="checkbox"/> Mail with Web Address: A paper notification was mailed to each customer (e.g. via separate mailing, water bill, insert, etc.) providing the web link directly to the CCR on the internet on _____ (date). Web address of the CCR provided: _____ <input type="checkbox"/> Electronic Delivery: The CCR was sent as an attachment to email on _____ (date). <input type="checkbox"/> Electronic Delivery: The CCR was embedded in an email and sent on _____ (date). <input type="checkbox"/> Electronic Delivery: An email with a website address linked directly to the CCR was sent on _____ (date). Web address of the CCR provided: _____ <input type="checkbox"/> Electronic Delivery: Another method of electronic delivery was used to send the CCR on _____ (date). Please specify the method used: _____

Required Delivery Methods	Outreach Used for Report Distribution
Good Faith Delivery Efforts For Non-Bill Paying Customers	<p><input type="checkbox"/> Posted the CCR on the Internet on _____ (date).</p> <p><input type="checkbox"/> Provided announcement or CCR report in community newsletter on _____ (date).</p> <p><input type="checkbox"/> Mailed the CCR to postal patrons within the service area on _____ (date).</p> <p><input type="checkbox"/> Advertised the availability of the CCR in news media on _____ (date).</p> <p><input type="checkbox"/> Published the CCR in the local newspaper _____ (paper, issue no.) on _____ (date).</p> <p><input type="checkbox"/> Posted the CCR in public places on _____ (date). List of locations: _____</p> <p><input type="checkbox"/> Delivered multiple copies of the CCR to single bill addresses serving many people (e.g. apartment buildings, businesses, large private employers) on _____ (date).</p> <p><input type="checkbox"/> Delivered the CCR to community organizations on _____ (date). List of organizations: _____</p> <p><input type="checkbox"/> Other (specify method and date delivered): _____</p>
Wholesalers Only	<p><input type="checkbox"/> Data and information was provided to each consecutive community water system (purchaser(s)) on _____ (date).</p>
Public Notification	<p><input type="checkbox"/> Public notification was included in the CCR to satisfy a Public Notification Rule Tier 3 monitoring violation, or the fluoride secondary MCL. Violation listed in the CCR: _____</p> <p>Date of violation: _____</p>

The community water system named above hereby confirms that its Consumer Confidence Report (CCR) has been distributed to customers and that appropriate notices of availability have been given as specified on this form. Further, the system certifies that the information contained in the report is correct and consistent with the compliance monitoring data previously submitted to EPA Region 8.

CERTIFIED BY:

Name (please print): _____

Title: _____ Phone #: _____

Signature: _____

Today's Date: _____

Please sign and send your completed certification by mail, fax, or email for receipt no later than October 1st of each year for the CCR due that same year:

MAILING ADDRESS:

US Environmental Protection Agency, Region 8
Drinking Water Program (8WP-SDA)
Attn: CCR Rule Manager
1595 Wynkoop St.
Mailcode: 8WP-SDA
Denver, CO 80202-1129

EMAIL:

To: R8DWU@epa.gov
Subject: CCR Certification

FAX:

1-(877) 876-9101
Attn: CCR Certification

PUBLIC NOTICE

Date of Release: _____ PWS Number: _____

FAILURE TO MONITOR VIOLATION TOTAL COLIFORM BACTERIA

To All _____ Water Users
(Name of water system/business)

We are required to monitor your drinking water for total coliform bacteria on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. During _____ we did not complete all monitoring for total coliform (compliance period) bacteria and therefore cannot be sure of the quality of our drinking water during that time.

The table below lists the failure to monitor violations we received for total coliform monitoring during the last year. (Please check the ones that apply to your system.)

Monitoring Period (Month/Year)	Failure to Monitor	No Replacement Sample after a Routine sample was invalidated	Insufficient Number of Routine Samples

What happened? What is being done?

If you have any questions, please contact _____ at _____
(Water system contact person) (Phone)

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

Optional: If applicable, you may also include the statement that "Subsequent water samples have been analyzed as safe."

SAMPLE: Suggested public notice language for FAILURE TO MONITOR FOR TOTAL COLIFORM.
You may use the above notice sample or write your own but the text in italics must be included in any notification.

PWS Operator/Responsible Party:

Since most monitoring violations are included in Tier 3, you must provide public notice to persons served within one year after you learn of the violation. Multiple monitoring violations can be serious, and your primacy agency may have more stringent requirements. Check with your primacy agency to make sure you meet its requirements.

Community Systems must use one of the following methods:

- hand or direct delivery
- mail, as a separate notice or included with the bill

Non-Community Systems must use one of the following methods:

- posting in conspicuous locations
- hand delivery
- mail

In addition, both community and non-community systems must use another method reasonably calculated to reach others if they would not be reached by the first method. Such methods could include newspapers, e-mail, or delivery to community organizations. If you post the notice, it must remain posted until the violation is resolved but in no case less than seven (7) days, even if the violation is resolved. If the violation has been resolved, you must post the notice for at least one week. If you mail, post, or hand deliver, print your notice on letterhead, if available.

The notice on the reverse is appropriate for distribution after each violation or collectively at the end of the calendar year. If you choose to wait until the end of the year to give notice, the enclosed form can be issued or it can be inserted into your CCR as long as public notification requirements are met.

After issuing the notice, make sure to send your primacy agency a copy of each type of notice and a certification that you have met all the public notice requirements within ten days after issuing the notice.

Send the copy of your notice and dates posted to:

RTCR MANAGER
US EPA REGION 8
PUBLIC WATER SYSTEM PROGRAM - 8WP-SDA
1595 WYNKOOP ST.
DENVER CO 80202

Or, you can fax a copy to: Attn: RTCR Manager at 877-876-9101.

If you have questions about your RTCR FTM violation call 1-800-227-8917 and ask to speak with the RTCR Manager.

Certification of Public Notification

I _____ certify that the attached public notification was issued
(PWS Operator/Responsible Party)

from _____ to _____
(Date) (Date)

The attached notice was issued by _____
(Method of delivery)

Signature _____ Date _____

Consumer Notice of Lead Tap Water Results

Public Water System Name: _____ Public Water System ID: _____

Sample Location: _____ Date Collected: _____

Dear _____,

We would like to thank you for your participation in the lead tap monitoring program. Below is the lead result for the sample location listed above. Additional general information concerning lead in drinking water follows. For more information on reducing lead exposure around your home and the health effects of lead, visit EPA's Web site at **www.epa.gov/lead**, call the National Lead Information Center at 800-424-LEAD, or contact your health care provider.

If you need more information concerning this result, please call the _____ community water supply at _____ and ask for _____.

ONLY the statement that is checked below is applicable to your sample location.

____ Lead was NOT DETECTED at this sample location.

____ Lead was detected at _____ mg/L. This result is BELOW the lead action level of 0.015 mg/L.

____ Lead was detected at _____ mg/L. This result is ABOVE the lead action level of 0.015 mg/L.

What Does This Mean?

Under the authority of the Safe Drinking Water Act, EPA set the action level for lead in drinking water at 0.015 mg/L. This means utilities must ensure that water from the customer's tap does not exceed this level in at least 90 percent of the homes sampled (90th percentile value). The action level is the concentration of a contaminant which, if exceeded, triggers treatment or other requirements which a water system must follow. If water from the tap does exceed this limit, then the utility must take certain steps to correct the problem. Because lead may pose serious health risks, the EPA set a Maximum Contaminant Level Goal (MCLG) of zero for lead. The MCLG is the level of a contaminant in drinking water below which there is no known or expected risk to health. MCLGs allow for a margin of safety.

If detected, your lead level may be due to conditions unique to your home, such as the presence of lead solder or brass faucets, fittings and valves that may contain lead. Our system works to keep the corrosivity of our water as low as possible (corrosive water can cause lead to leach from plumbing materials that contain lead) and there are actions you can take to reduce exposure. We recommend that you to take the steps below to reduce your exposure to lead in drinking water.

Should the lead 90th percentile for this water supply exceed the lead action level, we would take a number of steps to correct the problem. Such steps include; monitor our source water for lead content, initiate controls to reduce the corrosivity of our water, and initiate lead service line replacement if needed.

What Are The Health Effects of Lead?

Lead can cause serious health problems if too much enters your body from drinking water or other sources. It can cause damage to the brain and kidneys, and can interfere with the production of red blood cells that carry oxygen to all parts of your body. The greatest risk of lead exposure is to infants, young children, and pregnant women. Scientists have linked the effects of lead on the brain with lowered IQ in children. Adults with kidney problems and high blood pressure can be affected by low levels of lead more than healthy adults. Lead is stored in the bones, and it can be released later in life. During pregnancy, the child receives lead from the mother's bones, which may affect brain development.

What Are The Sources of Lead?

The primary sources of lead exposure for most children are deteriorating lead-based paint, lead-contaminated dust, and lead-contaminated residential soil. Exposure to lead is a significant health concern, especially for young children and infants whose growing bodies tend to absorb more lead than the average adult. Lead is rarely found in source water, but enters tap water through corrosion of plumbing materials. Homes built before 1988 are more likely to have lead pipes, fixtures and solder.

What Can I Do To Reduce Exposure to Lead in Drinking Water?

If you are concerned about the lead levels at your location, there are several things you can do:

- ***Run your water to flush out lead.*** If water hasn't been used for several hours, run water for 15-30 seconds or until it becomes cold or reaches a steady temperature before using it for drinking or cooking. This will help flush lead-containing water from the pipes.
- ***Use cold water for cooking and preparing baby formula.*** Do not cook with or drink water from the hot water tap; lead dissolves more easily into hot water. Do not use water from the hot water tap to make baby formula.
- ***Do not boil water to remove lead.*** Boiling water will not reduce lead.
- ***Look for alternative sources or treatment of water.***
- ***Test your water for lead.*** Call us at the number above to find out how to get your water tested for lead.

Identify if your plumbing fixtures contain lead. Brass faucets, fittings, and valves, including those advertised as "lead-free," may contribute lead to drinking water. The law currently allows pipes, fittings, and fixtures with up to .25 percent weighted average of lead to be identified as "lead-free."

Lead Consumer Notice Certification Form

This form is intended for use by public water systems in Wyoming and tribal lands in the following states: Colorado, Montana, North Dakota, South Dakota, Utah or Wyoming.

Please complete this Lead Consumer Notice Certification Form. Include one example of a completed Consumer Notice Form and send both pieces of documentation to: EPA Region 8, Lead/Copper Rule Manager, r8dwu@epa.gov, or mail to 1595 Wynkoop Street, Denver, CO 80202-1129 or fax to: Attention Lead/Copper Rule Manager, 1-877-876-9101.

PWS Name: _____ PWS No. _____
Contact Person: _____ Phone : (____) _____
Today's Date: _____

Monitoring period to which the notice applies (e.g., June – September 2019): _____

The last result for the period was received from the laboratory on: _____

All results were provided to consumers by (date): _____

The water system also certifies that the template contained the following information and was delivered within 30 days of receiving the test results from the laboratory to such persons:

- Individual tap results from lead tap water monitoring
- An explanation of the health effects of lead
- Steps that consumers can take to reduce exposure to lead in drinking water
- Contact information for your water utility
- The maximum contaminant level goals and action levels for lead, and the definitions of these two terms

DELIVERY METHOD

The result/information notice was distributed by the following method, check all that apply:

By Direct Mail _____
By Hand Delivery _____
By Electronic mail _____
Other (e.g. posting) _____

Signature of Owner, Administrative Contact, or Official Custodian

I, _____, hereby certify that the lead consumer notice has been provided to each person it serves at the specific sampling site from which the sample was tested.

Signature _____ Date _____

Title _____

Consumer Confidence Report (CCR) Certification for Wyoming Community Water Systems Serving Fewer than 10,000 Persons

Community Water System Name: _____

Public Water System Identification No: _____ Year CCR Due: _____

Important: In 1999, Governor Jim Geringer exercised his authority under the Safe Drinking Water Act to waive the direct mailing requirement for CCRs for small community water systems in Wyoming. Small community water systems can instead meet their annual reporting requirements under the CCR Rule by the methods of report distribution listed below.

Directions: Please mark the boxes in the section relevant to your drinking water system and fill in the associated blanks. Then sign the form in the last section.

Community Water Systems Serving Fewer than 10,000 Persons must complete all three (3) of the following actions:

☐

1. Notified customers by direct mailing* that the CCR shall be printed in a local newspaper or made available on an internet web site.

Specify date and method of direct notice to customers:

and

☐

2. Published the CCR as an insert in one or more local newspapers serving the area of service or published the CCR on an internet web site.

Specify newspaper and the date of publication, or specify the internet web site address:

and

☐

3. Made paper copies of the CCR available to the public upon request.

Describe what information was provided to the customer so that he/she could request a paper copy of the CCR, if desired:

*Direct mailing can include mailing a paper notice or emailing a notice to your customers.

Community Water Systems Serving 500 Persons or Fewer must complete both of the following actions:

☐

1. Provided direct notice* to each customer that the annual CCR is available.

Specify the date and method of direct notice to customers, and where the report was made available:

and

☐

2. Made paper copies of the CCR available to the public upon request or through an internet web site.

Describe what information was provided to the customer so that he/she could request a paper copy of the CCR, or specify the internet web site address:

*Direct notice can include mailing a paper notice to or emailing a notice to your customers.

The community water system named above hereby confirms that its Consumer Confidence Report (CCR) has been distributed to customers or that appropriate notices of availability have been given as specified on this form. Further, the system certifies that the information contained in the report is correct and consistent with the compliance monitoring data previously submitted to EPA Region 8.

CERTIFIED BY:

Name (please print): _____

Title: _____ Phone #: _____

Signature: _____

Today's Date: _____

Please sign and send your completed certification by mail, fax, or email for receipt no later than October 1st of each year for the CCR due that same year:

MAILING ADDRESS:

US Environmental Protection Agency, Region 8
Drinking Water Program (8WP-SDA)
Attn: CCR Rule Manager
1595 Wynkoop St.
Mailcode: 8WP-SDA
Denver, CO 80202-1129

EMAIL:

To: R8DWU@epa.gov
Subject: CCR Certification

FAX:

1-(877) 876-9101
Attn: CCR Certification

Instructions for LT2ESWTR Failure to Take Corrective Action Within Required Time

Template on Reverse

A system's failure to be in compliance with an EPA approved corrective action plan and schedule for a significant deficiency under the Long Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR) is a treatment technique violation and requires Tier 2 notification. You must provide public notice to persons served as soon as practical but within 30 days after you learn of the violation [40 CFR 141.203(b)]. You must issue a repeat notice every three months for as long as the violation persists. Your primacy agency may have more stringent requirements for treatment technique violations. Check with your agency to make sure you meet all requirements.

Community systems must use one of the following methods [40 CFR 141.203(c)]:

- Hand or direct delivery
- Mail, as a separate notice or included with the bill

Noncommunity systems must use one of the following methods [40 CFR 141.203(c)]:

- Posting in conspicuous locations
- Hand delivery
- Mail

In addition both community and noncommunity systems must use *another* method reasonably calculated to reach others if they would not be reached by the first method [40 CFR 141.203(c)]. Such methods could include newspapers, e-mail, or delivery to community organizations. If you mail, post, or hand deliver, print your notice on your system's letterhead if available.

The notice on the reverse is appropriate for mailing, posting, or hand delivery. If you modify this notice, you must still include all required PN elements from 40 CFR 141.205(a) and leave the mandatory language unchanged (see below).

Mandatory Language

Mandatory language on health effects (from Appendix B to Subpart Q) must be included as written (with blanks filled in) and is presented in this notice in italics and with an asterisk on either end.

You must also include standard language to encourage the distribution of the public notice to all persons served, where applicable [40 CFR 141.205(d)]. This language is also presented in this notice in italics and with an asterisk on either end.

Corrective Action

In your notice, describe corrective actions you are taking. Listed below are some steps commonly taken by water systems with LT2ESWTR treatment technique violations. Depending on the corrective action you are taking, you can use one or more of the following statements, if appropriate, or develop your own text:

- Although we did not meet our deadline, we are now in consultation with the state to develop a corrective action plan.
- The significant deficiency has been identified and addressed.
- We have implemented a short term plan to address the immediate issue while we pursue the long-term solution.

Repeat Notices

For repeat notices, you should state how long the violation has been ongoing and remind consumers of when you sent out any previous notices. If you are making progress with correcting the significant deficiency or addressing the fecal indicator-positive source sample, describe it. Alternatively, if funding or other issues are delaying corrective action, let consumers know.

After Issuing the Notice

Within ten days after issuing the notice, you must send to EPA a copy of each type of notice, along with certification that you have met all the public notice requirements.

Certification of Public Notification

I _____ certify that the attached public notification was issued
(PWS Operator/Responsible Party)
from _____ to _____
(Date) (Date)

The attached notice was issued by _____
(Method of delivery)

Signature _____ Date _____

**LT2ESWTR Failure to Take Corrective Action Within Required Time Frame
Public Notice**

**IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER
Atlantic City Mercantile (PWS Name) Failed to Correct a Significant Deficiency Within
Required Time Frame.**

Our water system recently violated a drinking water requirement. Although this incident was not an emergency, as our customers, you have a right to know what happened and what we did (are doing) to correct this situation.

During a routine sanitary survey conducted on November 30, 2017 by the Environmental Protection Agency Region 8, the following significant deficiencies were identified:

Problems associated with the treatment system design and operation, as well as issues with ongoing treatment monitoring were identified.

According to the EPA's Long Term 2 Enhanced Surface Water Treatment Rule, we were required to take action to correct this deficiency. However, we failed to take this action according to the schedule we submitted to the EPA.

What should I do?

- There is nothing you need to do. You do not need to boil your water or take other corrective actions.

What does this mean?

This is not an emergency. If it had been, you would have been notified within 24 hours.

Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches. These symptoms, however, are not caused only by organisms in drinking water, but also by other factors. If you experience any of these symptoms and they persist, you may want to seek medical advice.

What is being done?

(Describe corrective action) _____

We anticipate resolving the problem within (estimated time frame) _____.
For more information, please contact (name of system contact) _____ at (phone number) _____
_____ or (mailing address) _____.

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly. You can do this by posting this notice in a public place or distributing copies by hand or mail.

This notice is being sent to you by (system name) Atlantic City Mercantile.

Public Water System ID#: WY5600432.

Date distributed: _____.

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Monitoring Requirements Not Met for _____ (Public Water System Name)

Our water system violated several drinking water regulations over the compliance period shown below. Even though these were not emergencies, as our customers, you have a right to know what happened and what we did to correct these situations.

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are indicators of whether or not your drinking water meets health standards. During _____, we did not monitor for _____,
(compliance period) (contaminant(s))
and therefore cannot be sure of the quality of your drinking water during that time.

What should I do?

There is nothing you need to do at this time.

The table below lists the contaminant(s) we did not properly test for during the compliance period, how often we are supposed to sample and how many samples we are supposed to take, how many samples we took, when samples should have been taken, and the date on which follow-up samples were taken.

Contaminant	Required sampling frequency	Number of samples taken	When samples should have been taken	When samples were taken

What happened? What is being done? (describe corrective action.)

For more information, please contact _____ at _____
(name of contact) (phone number)
or _____. Please share this information
(mailing address)

with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hands or mail.

This notice is being sent to you by _____. Public Water System ID#: _____.
(system)

Date distributed: _____.

ATTENTION: PWS Operator/Responsible Party

For monitoring violations, you must provide public notice to persons served within one year after you learn of the violation (141.204(b)).

Community systems must use one of the following methods of delivery (141.204(c)):

- Hand or direct delivery
- Mail, as a separate notice or included with the bill

Non-community systems must use one of the following methods of delivery (141.204(c)):

- Posting in conspicuous locations
- Hand delivery
- Mail

In addition, both community and non-community systems must use another method reasonably calculated to reach others if they would not be reached by the first method (141.204(c)). Such methods could include newspapers, email, or delivery to community organizations. If you post the notice, it must remain posted until the violation is resolved. If the violation has been resolved, you must post the notice for at least one week (141.204(b)). If you mail, post, or hand deliver, print your notice on letterhead, if available.

Corrective Actions

In your notice, describe corrective actions you took or are taking. This could include information stating that you have since taken or are in the process of taking the required samples.

After Issuing the Notice

Within ten days after issuing the notice, you must send to EPA a copy of each type of notice, along with a certification (see example below) that you have met all the public notice requirements. Mail copies to:

PN RULE MANAGER
US EPA REGION 8
PUBLIC WATER SYSTEM PROGRAM - 8P-W-DW
1595 Wynkoop Street
DENVER CO 80202-1129

Or, you can fax a copy toll-free to **1-(877) 876-9101**.

Certification of Public Notification

I _____ certify that the attached public notification was issued
(PWS Operator/Responsible Party)

from _____ to _____.
(Date) (Date)

The attached notice was issued by _____.
(Method of delivery)

Signature_____ Date_____

From: [McFadden, Kelly](#)
To: [Marshallonis, Dino](#)
Subject: FW: Stimson Plummer - Notification to EPA of Potential COVID-19 Related Deviation & Request for Enforcement Discretion
Date: Monday, October 19, 2020 9:32:54 AM
Attachments: [image001.png](#)

Per your request as a responsive FOIA record.

Kelly McFadden, Acting Deputy Director
U.S. EPA Region 10
Superfund and Emergency Management Division
1200 - 6th Avenue, Suite 155, 15-H13
Seattle, WA 98101
206-553-1679

From: McFadden, Kelly
Sent: Monday, April 06, 2020 9:04 AM
To: spetrin@stimsonlumber.com
Cc: Brozusky, Sandra <Brozusky.Sandra@epa.gov>; Todd, Bill <Todd.Bill@epa.gov>; Brozusky, Sandra <Brozusky.Sandra@epa.gov>; McClintock, Katie <McClintock.Katie@epa.gov>; lhiggins@cdatribe-nnsn.gov; KCridler@stimsonlumber.com; beth@springenvironmental.com; Dan Meyer <Meyer.Dan@epa.gov>; Familiare, Christopher S. <familiare.christopher@epa.gov>
Subject: RE: Stimson Plummer - Notification to EPA of Potential COVID-19 Related Deviation & Request for Enforcement Discretion

Steven,
Thank you for your message below regarding Method 9 certification at Stimson Lumber.

EPA recognizes the difficulties that COVID-19 has placed on compliance testing and has issued the following policy (<https://www.epa.gov/sites/production/files/2020-03/documents/oecamemooncovid19implications.pdf>) that provides relevant guidance for lapsing certifications. EPA appreciates that you have reached out to us with this concern and that you continue to perform the permit testing and obtain the necessary certification when it becomes available.

Stay safe,
Kelly

Kelly McFadden, Branch Chief
U.S. EPA Region 10
Air Permits and Toxics Branch
1200 - 6th Avenue, Suite 155, 15-H13
Seattle, WA 98101
206-553-1679

From: Steven Petrin <spetrin@stimsonlumber.com>
Sent: Monday, April 06, 2020 7:28 AM

To: Todd, Bill <Todd.Bill@epa.gov>

Cc: lhiggins@cdatribe-nsn.gov; Kevin Crider <KCrider@stimsonlumber.com>; Beth F. Hodgson (beth@springenvironmental.com) <beth@springenvironmental.com>

Subject: Stimson Plummer - Notification to EPA of Potential COVID-19 Related Deviation & Request for Enforcement Discretion

Mr. Todd:

In accordance with Condition 5.8 of Air Operating Permit #R10T5020100 (see below), Stimson Lumber Company (Stimson) is required to perform quarterly visible emissions monitoring on the hogged fuel boiler using EPA Reference Method 9 or a continuous emissions monitoring. Stimson meets the requirement using EPA Reference Method 9 and does not have a continuous emissions monitor for this stack.

Condition 5.8: The permittee shall measure visible emissions from the boiler stack ... for one hour using the procedures specified in Condition 3.9.1 ... Once per calendar quarter, with consecutive tests at least 30 days apart.

According to Condition 3.1 of EPA Reference Method 9, "The certification shall be valid for a period of 6 months, at which time the qualification procedure must be repeated by any observer in order to retain certification." Stimson's second quarter monitoring is required by 6/30/2020, but due to Idaho Governor Little's *Shelter in Place* order (issued 3/25/2020), Washington Governor Inslee's *Stay Home/Stay Healthy* proclamation (issued 3/23/2020) and Oregon Governor Brown's *Stay Home/Stay Safe* proclamation (issued 3/23/2020), the three firms that provide EPA Method 9 certifications in this region have been unable to conduct their spring certifications which normally run from late-March through early May (see attached). The certification is a field certification and as such no on-line certification is available for EPA Method 9.

Stimson intends to continue performing the quarterly visible emissions monitoring, but unless certification is available in the region earlier, Stimson will perform up to two quarterly visible emissions monitoring events using a non-certified observer before the fall certification schedule (normally mid-September through late October).

The visible emissions from the boiler have been demonstrated to be less than the emissions limit under normal operating conditions, and as such continuing to operate under normal conditions is highly unlikely to create an acute risk or an imminent threat to human health or the environment.

Stimson requests that EPA Region 10 extend the requirement for the EPA Method 9 observer certification from 6 months to 12 months.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Petrin", written in a cursive style.

Steven Petrin
Environmental Manager
503-860-7064

From: [Catlin, Kelley](#)
To: [Kelly Cwiertny](#)
Cc: [Steve Pace](#)
Subject: RE: The Powder Shop Response to Alleged RCRA Violations and Proposed Penalty
Date: Wednesday, May 06, 2020 10:42:00 AM

Good Morning Kelly and Steve,

I hope this email finds you well.

I received management approval to continue our negotiations through May 22. The ability to pay claim is under review with our finance team.

Thank you, Kelley

Kelley Catlin
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, KS 66219
Phone: (913)551-7110
catlin.kelley@epa.gov

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-----Original Message-----

From: Kelly Cwiertny <KAC@ShuttleworthLaw.com>
Sent: Friday, May 01, 2020 11:30 AM
To: Catlin, Kelley <Catlin.Kelley@epa.gov>
Cc: Steve Pace <SJP@ShuttleworthLaw.com>
Subject: Re: The Powder Shop Response to Alleged RCRA Violations and Proposed Penalty

Thanks very much. We look forward to hearing from you.

-Kelly

From: Catlin, Kelley <Catlin.Kelley@epa.gov>
Sent: Friday, May 1, 2020 5:57 AM
To: Kelly Cwiertny
Cc: Steve Pace
Subject: RE: The Powder Shop Response to Alleged RCRA Violations and Proposed Penalty

CAUTION: This email originated from outside our Firm. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you, Kelly, we received this e-mail. I will discuss with my management an extension of the prefiling period and will be in touch, likely early next week.

Have a good weekend, Kelley

Kelley Catlin
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, KS 66219
Phone: (913)551-7110
catlin.kelley@epa.gov<<mailto:catlin.kelley@epa.gov>>

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From: Kelly Cwiertny <KAC@ShuttleworthLaw.com>
Sent: Thursday, April 30, 2020 4:00 PM
To: Catlin, Kelley <Catlin.Kelley@epa.gov>
Cc: Steve Pace <SJP@ShuttleworthLaw.com>
Subject: RE: The Powder Shop Response to Alleged RCRA Violations and Proposed Penalty

FOR SETTLEMENT PURPOSES ONLY
NOT ADMISSIBLE IN ANY PROCEEDING

Good afternoon, Kelley,

Thank you very much for sending EPA's newly calculated proposed penalty amount, (b) (7)(A), (b) (7)(E)

[REDACTED]

[REDACTED]

[REDACTED]

(b) (7)(A), (b) (7)(E)
[REDACTED]

(b) (7)(A), (b) (7)(E)



Additionally, The Powder Shop requests that EPA formally consider its ability to pay the proposed penalty. In addition to the information provided by The Powder Shop in its April 9, 2020 response, tax information for 2016, 2017, and 2018 is attached to this email. As you can see, the tax returns all show losses for each year. The Powder Shop is a quintessential small business, not one with a multi-million dollar reserve on which it can rely to absorb a penalty of the magnitude of that which EPA has proposed.

A further layer of uncertainty exists given the current COVID-19 pandemic and its devastating impacts on small businesses across Iowa. While the Governor has begun to “reopen” certain businesses in certain counties in the state, The Powder Shop is located in Linn County, which is still under strict business operating guidelines, given the continued community spread in the county. While The Powder Shop, as a commercial paint shop, has not (yet) had major disruptions in incoming orders, it does face difficulties in fulfilling those orders as a result of the social distancing measures and reduction in work force at its facility. Furthermore, the next weeks and months remain uncertain as to how operations will continue and whether customers will timely and fully pay accounts receivable. All of this is to say, even without empirical data to show a drastic downtick in its operations, it is not “business as usual” at the Powder Shop given the COVID-19 crisis.

For the reasons stated in its April 9, 2020 response and as further articulated here, The Powder Shop requests that its ability to pay this fine be taken into consideration and downward adjustments be applied to the overall proposed penalty.

Thank you for your continued consideration of this matter and The Powder Shop’s position. We understand that both The Powder Shop and EPA are continuing to work toward a resolution of this matter. To that end, it is our understand that the May 8 deadline by which we had previously agreed to have this matter resolved is extended so the parties can continue to work cooperatively. We look forward to hearing from you on this follow-up and if you should have any questions, please do not hesitate to reach out to us.

Kelly & Steve

Kelly Cwierny
Shuttleworth & Ingersoll, PLC
Phone: 319-365-9461
Email: kac@shuttleworthlaw.com<<mailto:kac@shuttleworthlaw.com>>

From: Catlin, Kelley [<mailto:Catlin.Kelley@epa.gov>]
Sent: Friday, April 24, 2020 11:28 AM
To: Kelly Cwierny
Cc: Steve Pace
Subject: RE: The Powder Shop Response to Alleged RCRA Violations and Proposed Penalty

CAUTION: This email originated from outside our Firm. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Morning Kelly and Steve,

I hope this e-mail finds you both well. Thank you for sharing the information regarding The Powder Shop matter. We have reviewed the information provided and determined that some adjustments to the penalty calculation are appropriate. This email is intended for settlement purposes only, and subject to FRE Rule 408.

I have reviewed the ability to pay worksheet, but the past three years of federal income taxes must also be provided in order to refer the claim to our finance office. If you prefer to mail the tax returns to EPA, I will provide you contact information. You may also email that information to me, but please do not email any information that may be considered confidential business information.

EPA appreciates that The Powder Shop does not contest the penalty calculations for Counts 1 and 3.

(b) (7)(A), (b) (7)(E) [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

(b) (7)(A), (b) (7)(E)

Name (printed):

Name (signed):

Title:

Date:

Kelley Catlin
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, KS 66219
Phone: (913)551-7110
catlin.kelley@epa.gov<<mailto:catlin.kelley@epa.gov>>

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From: Kelly Cwiertny <KAC@ShuttleworthLaw.com<<mailto:KAC@ShuttleworthLaw.com>>>
Sent: Monday, April 13, 2020 9:02 AM
To: Catlin, Kelley <Catlin.Kelley@epa.gov<<mailto:Catlin.Kelley@epa.gov>>>
Cc: Steve Pace <SJP@ShuttleworthLaw.com<<mailto:SJP@ShuttleworthLaw.com>>>
Subject: RE: The Powder Shop Response to Alleged RCRA Violations and Proposed Penalty

We appreciate the confirmation and look forward to hearing from you.

Hope you are both healthy & safe & remain so!

-kelly

Kelly Cwiertny
319-365-9461

From: Catlin, Kelley [<mailto:Catlin.Kelley@epa.gov>]
Sent: Monday, April 13, 2020 7:25 AM
To: Kelly Cwiertny
Cc: Steve Pace
Subject: RE: The Powder Shop Response to Alleged RCRA Violations and Proposed Penalty

CAUTION: This email originated from outside our Firm. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ms. Cwiertny,

I failed to reply to you and let you know I received this email last week. Mike and I are reviewing and will be in touch.

Thank you, Kelley

Kelley Catlin
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 7

11201 Renner Boulevard
Lenexa, KS 66219
Phone: (913)551-7110
catlin kelley@epa.gov<<mailto:catlin.kelley@epa.gov>>

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From: Kelly Cwiertny <KAC@ShuttleworthLaw.com<<mailto:KAC@ShuttleworthLaw.com>>>
Sent: Thursday, April 09, 2020 2:22 PM
To: Catlin, Kelley <Catlin.Kelley@epa.gov<<mailto:Catlin.Kelley@epa.gov>>>
Cc: Steve Pace <SJP@ShuttleworthLaw.com<<mailto:SJP@ShuttleworthLaw.com>>>
Subject: The Powder Shop Response to Alleged RCRA Violations and Proposed Penalty

Ms. Catlin,

Please see the attached response from The Powder Shop to the RCRA violations alleged by EPA and the proposed penalty discussed between EPA and The Powder Shop last month. Exhibits associated with The Powder Shop's response are also attached for your review and consideration.

Please circulate these documents to EPA staff as necessary.

We look forward to hearing back from you on this matter. If you have further questions or would like to follow up on anything in The Powder Shop's response, please do not hesitate to get in touch with Steve Pace or me.

Thank you,
-Kelly

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